This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

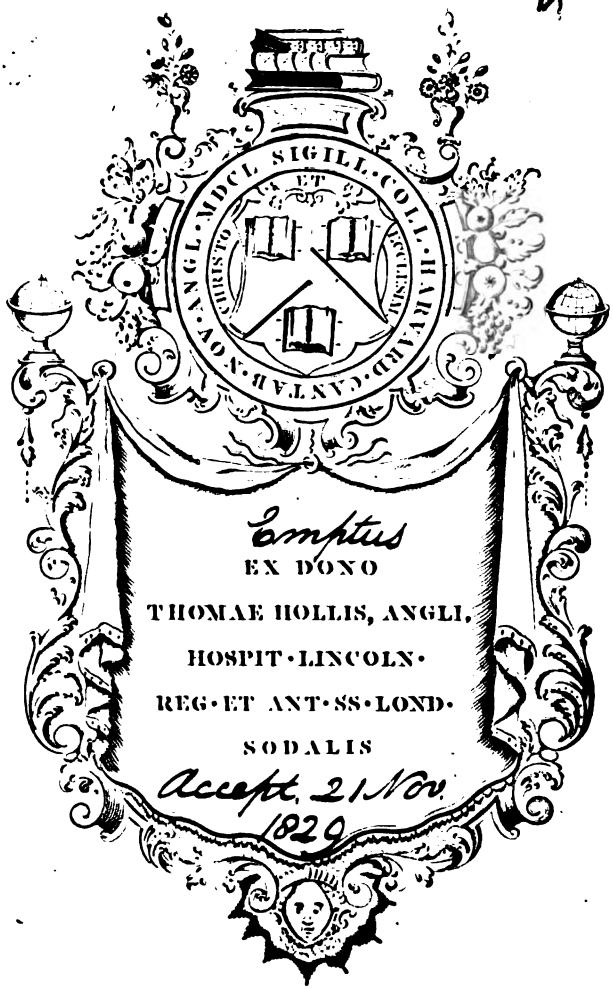
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

Digitized by Google

Brit Doc 9000.90



Digitized by Google

1107 *
47
61 Top

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

THE

Parliamentary Debates

FROM

THE YEAR

1803

TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF

T. C. HANSARD.

VOL. XXI.

COMPRISING THE PERIOD

FROM

THE SEVENTH DAY OF JANUARY

TO

THE SIXTEENTH DAY OF MARCH

1812.

LONDON:

PRINTED FOR LONGMAN, HURST, REES, ORME, AND BROWN; CRADOCK AND JOY; BOOKER; J. BOOTH; J. RICHARDSON; BLACK, PARRY, AND CO.; E. JEFFERY; J. HATCHARD; J. RIDGWAY; BUDD AND CALKIN; J. RODWELL; R. H. EVANS; AND T. C. HANSARD, PRINTER, PETERBOROUGH-COURT, FLEET-STREET.

1812.

Digitized by Google

Brit Doc 9000.90
~~Brit. Hist. 6~~
~~B+120 32~~
2098
1-15

BOUND JAN 2 1915

Digitized by Google

TABLE OF CONTENTS

TO

VOLUME XXI.

I. Debates in the House of Lords.
II. Debates in the House of Commons.
III. Prince Regent's Speeches.
IV. Prince Regent's Messages.
V. Parliamentary Papers.
VI. Petitions.
VII. Protests.
VIII. Reports.
IX. Lists.

I. DEBATES IN THE HOUSE OF LORDS.

1812.		Page
Jan. 7.	The Lords' Commissioners Speech at the Opening of the Session	1
	Spain and her Colonies	15
9.	State of Ireland	72
	State of the Finances of the Country	73
	Report from the Committee appointed to examine the King's Physicians	73
10.	Vote of Thanks to Lord Minto, &c. for the Conquest of the Islands of Bourbon and Mauritius, and for the Operations in the Island of Java	126
20.	Roman Catholics of Ireland	222
31.	Earl Fitzwilliam's Motion respecting the State of Ireland	408
Feb. 3.	Distillery Bill	490
4.	Nottingham Riots	602
7.	Insolvent Debtors	684
	Orders in Council	685
	State of the Finances of the Country	686
	King's Household Bill	689
17.	Offices in Reversion Bill	825
	Dispute with America	825
20.	Prince Regent's Message respecting Lord Wellington	855
27.	Frame Work Bill	964
28.	The Marquis of Lansdowne's Motion respecting the Orders in Council and the Licence Trade	1041
Mar. 2.	Drury Lane Theatre Bill	1075
	Frame Work Bill	1077
5.	Frame Work Bill	1166

Digitized by Google

		Page
Mar. 5.	The Earl of Wellington's Annuity	1168
9.	Licence Trade	1209
	Drury Lane Theatre Bill	1210
11.	The Prince Regent's Letter to the Duke of York respecting Lords Grey and Grenville	1250
16.	State of the Nation	1294
	Portuguese Subsidy	1294

II. DEBATES IN THE HOUSE OF COMMONS.

1812.		
Jan. 7.	Answers of Lord Wellington and General Blake to the Vote of Thanks for the Battle of Albuera	16
	The Lords' Commissioners Speech at the Opening of the Session	17
8.	Declaration of the Queen's Council respecting the State of the King's Health	49
	The Lords' Commissioners Speech at the Opening of the Session	52
9.	Report from the Committee appointed to examine the King's Physicians	83
	The Prince Regent's Answer to the Address	99
	Ecclesiastial Court—Petition of Mary Ann Dix	99
	Debtors in the Isle of Man	102
	Select Committee appointed on the Public Income and Expenditure of Ireland	103
	Charitable Donations Bill	108
	Consolidated Fund	109
	Resolution respecting Orders of the Day and Notices	111
	Motion for a Supply—Colonel M'Mahon's Sinecure	112
	Repeal of the Legislative Union with Ireland	124
10.	Vote of Thanks to Lord Minto, &c. for the Conquest of the Islands of Bourbon and Mauritius, and for the Operations in the Island of Java	131
14.	Resolutions relating to the Distilleries	146
16.	The King's Household	151
18.	Population of the several Counties of Great Britain	177
	King's Household Bill	187
	Committee of Supply—Miscellaneous Services	10
	Nightly Watch and Police of the Metropolis	
20.	King's Household Bill	
	Expences of the Assumption of Royal Authority by the P Regent	21
21.	Answer of Admiral Bertie to the Vote of Thanks	234
	State of Ireland	235
	Penitentiary Houses Bill	235
	List of Police Magistrates	239
	Return of the Number of Criminals	240
	Mr. Brougham's M. on respecting the Droits of Admiralty	241
22.	Petition from Barbadoes respecting the Sugar Trade	278

Digitized by Google

TABLE OF CONTENTS.

		Page
Jan. 22.	American Loyalists' Petition	281
	Distillery Bill	286
23.	Chancery Clerks' Petition	292
	Lord Cochrane's Motion for a Letter from the Duke of Cambridge to the Commander in Chief	294
	Lord Folkestone's Motion respecting the Inferior Ecclesiastical Courts	295
	Duties on Legacies for Charitable Purposes	319
	Distillery Bill	320
24.	Petition of the Vauxhall Bridge Company	326
	London Victuallers' Petition respecting Pewter Pots	328
	Petition from Mr. Cort respecting his Patent for Working Iron	329
27.	Committee appointed on Public Expenditure	331
	Committee appointed on Sinecure Offices	331
	King's Household Bill	331
28.	Local Militia	375
	Petition from Caithness respecting Reform of Parliament	376
	Bill to amend Insolvent Debtors' Act	379
	Offices in Reversion Bill	381
	King's Household Bill	381
29.	Population of Ireland	399
	Order for List of Police Magistrates	401
	King's Household Bill	405
31.	King's Household Bill	478
	Motion respecting Members of Parliament becoming Bankrupts	478
	Order for List of Police Magistrates	482
3.	Thanks of the House given to General Cole	492
	Lord Morpeth's Motion respecting the State of Ireland	494
4.	Committee appointed on Penitentiary Houses	603
	Lord Morpeth's Motion respecting the State of Ireland—Adjourned Debate	605
6.	Petition from Greenock respecting the East India Company	671
	Riots at Nottingham	671
	Select Committee appointed on the East India Company's Affairs	672
7.	Offices in Reversion Bill	691
	Bill to repeal Act 39th Elizabeth against Lewd and Wandering Persons pretending to be Soldiers or Mariners	701
	Penitentiary Houses	703
10.	Vote of Thanks to Lord Wellington—Capture of Ciudad Rodrigo	707
	Mr. Eden's Motion for a Committee on the Civil List Revenue	713
11.	Motion respecting the Four and a Half per Cent. Leeward Island Duties	742
	Committee on Civil List Revenue—Motion respecting Mr. Eden	749
12.	Corn Intercourse Bill	751
	Royal Marine Corps	753
	Transportation to New South Wales	761
13.	Mr. Whitbread's Motion for Correspondence relating to America	762
	American Loyalists' Petition referred to a Committee	801
14.	Funding Exchequer Bills	804

Digitized by Google

		Page
Feb. 14.	Frame Work and Nottingham Peace Bills	807
17.	Frame Work Bill	826
18.	Prince Regent's Message respecting Lord Wellington	842
	Trade Licences	842
	Frame Work Bill	847
	Nottingham Peace Bill	853
20.	Frame Work Bill	859
	Local Militia Bill	866
22.	Prince Regent's Message respecting Lord Wellington	869
	Monument to the Memory of General Craufurd	883
	Navy Estimates	885
	Army Estimates	893
	Paymaster of Widows' Pensions	899
23.	Army Estimates—Foreign Troops in British Pay	907
	Army Estimates—Paymaster of Widows' Pensions	911
25.	Proceedings relating to the Expulsion of Mr. Benjamin Walsh	933
	Bankers' Embezzlement Bill	943
	Parish Registers Bill	947
	Droits of Admiralty	949
	Nottingham Peace Bill	962
26.	Case of Captain Tomlinson	962
	Committee appointed respecting Suits in Chancery	963
27.	Petition from Hull respecting Commercial Licences	979
	Proceedings relating to the Expulsion of Mr. Benjamin Walsh	982
	Sir Thomas Turton's Motion on the State of the Nation	988
28.	Repeal of the Legislative Union with Ireland	1074
Mar. 2.	Petition of the Roman Catholics of Tipperary	1086
	Proceedings relating to the Expulsion of Mr. Benjamin Walsh	1088
3.	Proceedings relating to the Expulsion of Mr. Benjamin Walsh	1092
	Mr. Brougham's Motion respecting the Orders in Council and the Licence Trade	1092
4.	Right of Petitioning the Prince Regent	1165
5.	Insolvent Debtors	1169
	Petition respecting the Regulation of Markets in the City of Cork	1170
	Petition of Mr. Crompton respecting his Machine called "A Mule"	1173
	Lord Steward of the Houshold	1174
	Proceedings relating to the Expulsion of Mr. Benjamin Walsh	1174
	Right of Petitioning the Prince Regent	1201
6.	Mutiny Bill	1201
9.	Petition of the Tobago Planters	1213
	Bankers' Embezzlement Bill	1214
	Frame Work Bill	1215
	Irish Miscellaneous Services	1217
	Maynooth College	1226
	Ordnance Estimates	1234
	Roman Catholics of Ireland—Call of the House	1239
10.	Offices in Reversion Bill	1240
	Foreigners in the British Army	1240

Digitized by Google

Page

11. Marriage Act Amendment Bill 1252
Motion respecting Convicts discharged upon entering the Army or Navy 1253
Foreigners in the British Army 1258
13. Strood Poor Bill 1260
Petition from Plymouth respecting the East India Company 1262
Prince Regent's Message respecting Portuguese Troops 1262
Mutiny Bill—Flogging of Soldiers 1264
Penitentiary House Bill 1292
16. Portuguese Subsidy 1298
Plymouth Breakwater 1310
Local Militia Bill 1313
Bill respecting Members who become Bankrupts 1315

III. PRINCE REGENT'S SPEECHES.

The Lords Commissioners' Speech, in the Name of the Prince Regent, at the Opening of the Session 1

IV. PRINCE REGENT'S MESSAGES.

Prince Regent's Message respecting Lord Wellington 842
- - - - - - - - - - respecting a Subsidy to Portugal 1263

V. PARLIAMENTARY PAPERS.

Address moved by Sir Francis Burdett at the Opening of the Session 25
- - - - moved by Lord Jocelyn at the Opening of the Session 37
Comparative Statement of the Population of the Several Counties of Great Britain in the Years 1801 and 1811 183
Declaration of the Queen's Council respecting the State of the King's Health 49
Papers relating to Mr. Benjamin Walsh 934
Resolutions moved by Mr. Brougham relating to the Droits of Admiralty 258
Return of the Number of Persons charged with Criminal Offences, in the Years 1806, 1807, 1808, 1809, and 1810 241

VI. PETITIONS.

Petition of Mary Ann Dix 100
- - - - - from Barbadoes respecting the Sugar Trade 278
- - - - - of the American Loyalists 281
- - - - - of the Clerks in the Office of the Accountant General of the Court of Chancery 292
- - - - - of the Vauxhall Bridge Company 326
- - - - - of the London Victuallers respecting Pewter Pots 328

Digitized by Google

Page

PETITION of Mr. Cort respecting his Patent for Working Iron 329
- - - - - from Caithness respecting Reform of Parliament 376
- - - - - from Greenock respecting the East India Company 671
- - - - - from Hull respecting Commercial Licences 979
- - - - - of the Roman Catholics of Tipperary 1086
- - - - - respecting the Regulation of Markets in the City of Cork 1170
- - - - - of Mr. Crompton respecting his Machine called "A Mule" 1173
- - - - - of the Tobago Planters 1213

VII. PROTESTS.

PROTEST against going into a Committee on the Frame Work Bill 1084

VIII. REPORTS.

REPORT from the Select Committee of the House of Lords appointed to examine the King's Physicians 74
- - - - from the Select Committee of the House of Commons appointed to examine the King's Physicians 83

IX. LISTS.

LIST of the Minority in the House of Commons, January 8, on the Address moved by Sir Francis Burdett at the Opening of the Session 49
- - - of the Minority in the House of Commons, January 9, on Mr. Creevey's Motion for deferring the Committee of Supply 124
- - - of the Minority in the House of Commons, January 24, on the Motion for going into a Committee on the King's Household Bill 368
- - - of the Minority in the House of Lords, January 31, on Earl Fitzwilliam's Motion respecting the State of Ireland 477
- - - of the Minority in the House of Commons, February 4, on Lord Morpeth's Motion respecting the State of Ireland 669
- - - of the Majority and also of the Minority in the House of Commons, February 7, on the Second Reading of the Offices in Reversion Bill 702
- - - of the Minority in the House of Commons, February 10, on Mr. Eden's Motion, "That the Committee on the Civil List Revenue have power to send for Persons, Papers and Records" 742
- - - of the Minority in the House of Commons, February 13, on Mr. Whitbread's Motion for Correspondence relating to America 801
- - - of the Minority in the House of Commons, February 14, on Mr. Secretary Ryder's Motion for leave to bring in the Frame Work Bill 823
- - - of the Minority in the House of Commons, February 14, on Mr. W. Herbert's Motion "That a Committee be appointed to enquire into the Riots at Nottingham" 824
- - - of the Minority in the House of Commons, February 17, on the second Reading of the Frame Work Bill 840
- - - of the Minority in the House of Commons, February 17, on going into a Committee on the Frame Work Bill 841

Digitized by Google

TABLE OF CONTENTS.

Page

List of the Majority and also of the Minority, in the House of Commons, February 22, on Mr. Bankes's Motion for leaving the Sum of 2,790*l.* 1*s.*, expected to be paid to the Paymaster of Widows' Pensions, out of the Army Estimates 907

- - - of the Majority and also of the Minority, in the House of Commons, February 24, on Mr. Bankes's Motion for leaving the Sum expected to be paid to the Paymaster of Widows' Pensions out of the Army Estimates 931

- - - of the Minority in the House of Commons, February 27, on Sir Thos. Turton's Motion for a Committee on the State of the Nation 1000

- - - of the Minority in the House of Lords, February 28, on the Marquis of Lansdowne's Motion for a Committee to enquire into the Effects of the Orders in Council and the Licence Trade 1074

- - - of the Minority in the House of Commons, March 3, on Mr. Brougham's Motion for a Committee to enquire into the Effects of the Orders in Council and the Licence Trade 1163

- - - of the Minority in the House of Commons, March 5, on Mr. Bankes's Motion for the Expulsion of Mr. Benjamin Walsh 1206

Digitized by Google

Digitized by Google

LIST OF

HIS MAJESTY'S MINISTERS,

1812.

CABINET MINISTERS.

Earl Camden	Lord President of the Council.
Lord Eldon	Lord High Chancellor.
Earl of Westmoreland	Lord Privy Seal.
Earl Bathurst	President of the Board of Trade.
Right Hon. Spencer Perceval	First Lord of the Treasury (Prime Minister) Chancellor and Under-Treasurer of the Exchequer, also Chancellor of the Duchy of Lancaster.
Right Hon. Charles Philip Yorke	First Lord of the Admiralty.
Lord Mulgrave	Master-General of the Ordnance.
Right Hon. Richard Ryder	Secretary of State for the Home Department.
Marquis Wellesley	Secretary of State for Foreign Affairs.
Earl of Liverpool	Secretary of State for the Department of War and the Colonies.

NOT OF THE CABINET.

Viscount Melville	President of the Board of Controul for the Affairs of India.
Right Hon. George Rose	Vice-President of the Board of Trade, and Treasurer of the Navy.
Viscount Palmerston	Secretary at War.
Lord Charles Somerset	Joint Paymaster-General of the Forces.
Right Hon. Charles Long	
Earl of Chichester	Joint Postmaster-General.
Earl of Sandwich	
Richard Wharton, esq.	Secretaries to the Treasury.
Charles Arbuthnot, esq.	
Sir William Grant	Master of the Rolls.
Sir Vicary Gibbs	Attorney-General.
Sir Thomas Plomer	Solicitor-General.

Persons in the Ministry of Ireland.

Duke of Richmond	Lord Lieutenant.
Lord Manners	Lord High Chancellor.
Right Hon. W. Wellesley Pole	Chief Secretary, and Chancellor of the Exchequer

Digitized by Google

Erratum in Vol. XVIII. p. 234.

In the Debate upon the King's Illness, in the House of Lords, on the 20th of December 1810, *Earl* GROSVENOR *is said to have given his opinion in favour of the mode of proceeding* "by Address," *instead of which the words should have been* "by Bill."

Erratum at Page 669 of the present Volume.

[*At the Close of the Debate, in the House of Commons, on Lord* MORPETH'S *Motion respecting the State of Ireland, the following short Reply of the Noble Mover ought to have been inserted:*]

"Lord *Morpeth* said, that in the then exhausted state of the House and at that late hour, he would not trespass on its indulgence, or endeavour to avail himself of that privilege usually afforded to those who brought forward a motion within those walls. Indeed, in consequence of what had fallen from his right honourable friend (Mr. Tierney), it would be unnecessary to enter into an explanation of his own conduct, or to vindicate himself from the seeming inconsistency of voting for his own motion—an inconsistency attributed to him by the right honourable the Chancellor of the Exchequer. There was, however, one point upon which he ventured to offer a single remark. It had been represented by his right honourable friend, the Secretary of State for the Home Department, that the motion which he had the honour of submitting to the House, was brought forward in order to serve a political purpose—to promote a party object. What was the political purpose, and the party object to which his right honourable friend alluded, he was at a loss to conjecture. But if it were a political purpose and a party object to endeavour to effect the great work of conciliation, to endeavour to unite the hearts and the affections of the people of Ireland, and by effecting that object to encrease the resources, and promote and consolidate the stability of the Empire, that political purpose and that party object he most readily avowed, and in the censure attendant upon such conduct he most willingly and cheerfully acquiesced."

*** *All Communications for THE PARLIAMENTARY DEBATES will be carefully attended to: but it is particularly requested that they may be forwarded to the Editor with the least possible delay.*

LONDON, 5, *Panton Square*,
June 9, 1812.

Digitized by Google

Parliamentary Debates

During the Sixth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the Seventh Day of January, One Thousand Eight Hundred and Twelve, in the Fifty-second Year of the Reign of His Majesty King GEORGE the Third.

HOUSE OF LORDS.

Tuesday, January 7, 1812.

THE LORDS COMMISSIONERS' SPEECH.] The Sixth Session of the Fourth Parliament of the United Kingdom was opened this day by commission; the Commissioners were, the archbishop of Canterbury, the Lord Chancellor, marquis Wellesley, earl Camden, and the earl of Westmoreland. At three o'clock the Lords Commissioners took their seats upon the woolsack; and the Commons, pursuant to message, having attended, with their Speaker, at the bar, the Lord Chancellor informed them, that his Royal Highness the Prince Regent had been pleased to direct his Commission to certain lords, therein named, to open the session; which Commission they should hear read. The Commission was then read by the clerk at the table; after which, the Lord Chancellor read the following Speech to both Houses:

"My Lords and Gentlemen,

"We are commanded by his royal highness the Prince Regent, to express to you the deep sorrow which he feels in announcing to you the continuance of his Majesty's lamented indisposition, and the unhappy disappointment of those hopes of his Majesty's early recovery, which had been cherished by the dutiful affection of his family, and the loyal attachment of his people.

"The Prince Regent has directed copies of the last Reports of her Majesty the Queen's Council to be laid before you, and he is satisfied that you will adopt such measures as the present melancholy exigency may appear to require.

"In securing a suitable and ample provision for the support of his Majesty's royal dignity, and for the attendance upon his Majesty's sacred person during his illness, the Prince Regent rests assured, that you will also bear in mind the indispensible duty of continuing to preserve for his Majesty the facility of resuming the personal exercise of his Royal Authority, in the happy event of his recovery, so earnestly desired by the wishes and the prayers of his family and his subjects.

"The Prince Regent directs us to signify to you the satisfaction with which his Royal Highness has observed, that the measures which have been pursued for the defence and security of the kingdom of Portugal, have proved completely effectual; and that on the several occasions in which the British or Portuguese troops had been engaged with the enemy, the reputation already acquired by them has been fully maintained.

"The successful and brilliant enterprize which terminated in the surprize, in Spanish Estremadura, of a French corps by a detachment of the allied army under lieutenant general Hill, is highly creditable to that distinguished officer, and to

Digitized by Google

the troops under his command, and has contributed materially to obstruct the designs of the enemy in that part of the peninsula.

"The Prince Regent is assured, while you reflect with pride and satisfaction on the conduct of his Majesty's troops, and of the allies, in these various and important services, you will render justice to the consummate judgment and skill displayed by general lord viscount Wellington, in the direction of the Campaign. In Spain the spirit of the People remains unsubdued; and the system of warfare so peculiarly adapted to the actual condition of the Spanish nation, has been recently extended and improved, under the advantages which result from the operations of the Allied Armies on the frontier, and from the countenance and assistance of his Majesty's navy on the coast. Although the great exertions of the enemy have in some quarters been attended with success, his Royal Highness is persuaded, that you will admire the perseverance and gallantry manifested by the Spanish armies. Even in those provinces principally occupied by the French forces, new energy has arisen among the people; and the increase of difficulty and danger has produced more connected efforts of general resistance.

"The Prince Regent, in the name and on the behalf of his Majesty, commands us to express his confident hope that you will enable him to continue to afford the most effectual aid and assistance in support of the contest, which the brave nations of the peninsula still maintain with such zeal and resolution.

"His Royal Highness commands us to express his congratulations on the success of the British Arms in the island of Java.

"The Prince Regent trusts that you will concur with his Royal Highness in approving the wisdom and ability with which this enterprize, as well as the capture of the islands of Bourbon and Mauritius, has been conducted under the immediate direction of the governor-general of India; and that you will applaud the decision, gallantry, and spirit conspicuously displayed in the late operations of the brave army under the command of that distinguished officer lieutenant-general sir Samuel Achmuty, so powerfully and ably supported by his Majesty's naval forces.

"By the completion of this system of operations, great additional security will have been given to the British commerce and possessions in the East Indies, and the colonial power of France will have been entirely extinguished.

"His Royal Highness thinks it expedient to recommend to your attention the propriety of providing such measures for the future government of the British possessions in India, as shall appear from experience, and upon mature deliberation, to be calculated to secure their internal prosperity, and to derive from those flourishing dominions the utmost degree of advantage to the commerce and revenue of the United Kingdom.

"We are commanded by the Prince Regent to acquaint you, that while his Royal Highness regrets that various important subjects of difference with the government of the United States of America still remain unadjusted, the difficulties which the affair of the Chesapeake frigate had occasioned have been finally removed; and we are directed to assure you, that in the further progress of the discussions with the United States, the Prince Regent will continue to employ such means of conciliation as may be consistent with the honour and dignity of his Majesty's crown, and with the due maintenance of the maritime and commercial rights and interests of the British empire.

"Gentlemen of the House of Commons,

"His Royal Highness has directed the estimates for the service of the current year to be laid before you. He trusts that you will furnish him with such supplies as may be necessary to enable him to continue the contest in which his Majesty is engaged with that spirit and exertion which will afford the best prospect of its successful termination.

"His Royal Highness commands us to recommend that you should resume the consideration of the state of the finances of Ireland, which you had commenced in the last session of Parliament. He has the satisfaction to inform you, that the improved receipt of the revenue of Ireland in the last, as compared with the preceding year, confirms the belief that the depression which that revenue had experienced is to be attributed to accidental and temporary causes.

"My Lords, and Gentlemen,

"The Prince Regent is satisfied that you entertain a just sense of the arduous duties which his Royal Highness has been called upon to fulfil, in consequence of his Majesty's continued indisposition.

"Under this severe calamity, his Royal

Digitized by Google

Highness derives the greatest consolation from his reliance on your experienced wisdom, loyalty, and public spirit, to which in every difficulty he will resort, with a firm confidence, that, through your assistance and support, he shall be enabled, under the blessings of Divine Providence, successfully to discharge the important functions of the high trust reposed in him, and in the name and on the behalf of his beloved father and revered sovereign, to maintain unimpaired the prosperity and honour of the nation."

The Commons having withdrawn, the Lords Commissioners retired to unrobe. The duke of Devonshire, lord Calthorpe, and the bishop of Derry took the oaths and their seats. Their lordships then adjourned during pleasure. At five o'clock the House resumed. The Speech of the Lords Commissioners, in the name of the Prince Regent, was then read by the Lord Chancellor from the woolsack, and afterwards by the clerk at the table. Upon which,

The Earl of *Shaftesbury* rose to move an Address of Thanks. All their lordships, he observed, must participate in the feelings expressed in the Speech, relative to the continuance of the unfortunate indisposition of his Majesty, and in the desire intimated by his Royal Highness, that in the provision to be made for the support of his Majesty, every facility should be given to his Majesty for resuming the personal exercise of the royal authority, if it should please Providence to restore him. After the number of years which his Majesty had reigned over the country, and when it was considered that, during his long reign, numerous blessings had been conferred upon the people, that when every other state had been involved in misery and calamity, this country had alone escaped; and that our thus remaining uninjured amidst the desolation that surrounded us, was chiefly to be attributed to the numerous virtues of his Majesty, he was convinced there could be but one feeling amongst their lordships upon the topics to which their attention was thus called by his royal highness the Prince Regent.—Upon the subject of Spain, there was much to congratulate the country in the unbroken spirit still displayed by the inhabitants of that kingdom, and in the various successes obtained against the enemy. If the House turned to Portugal, they would find ample sources of congratulation. In the course of last session, Massena, with the French army, had been driven out of the country. Portugal had been since completely defended from the enemy; and the campaign there had proved to the world and to the enemy, that it was not alone upon the sea, but on that element which he almost considered as his own, that British valour, led on by British generals, was equal to defeat him. It was impossible to look on the gallant defence which the peninsula was making without admiration. Wherever the eye turned, that resistance appeared to be equally gallant, unwearied, and enterprising.—Looking to a more distant quarter, our conquests in the Indian Seas were highly satisfactory, and in the system to be adopted for the future regulation of our Indian Empire, he trusted that the two objects of promoting its internal prosperity and drawing from it the means of benefiting the commerce and resources of the mother country would be satisfactorily attained. Our late successes in the East, the result of so much valour in the armies, and so much wisdom in those who planned the enterprize, reflected praise on the government abroad, and also on his Majesty's ministers at home.—Respecting America, although there still unfortunately existed subjects of difference between this country and the United States, still it was highly satisfactory to be informed, that the affair of the Chesapeake had been happily terminated, and having the assurance of the Prince Regent that every measure of conciliation towards that country would be adopted that was consistent with the honour and the interests of this kingdom, there was every reason to hope that the whole of our differences would at length be amicably adjusted.—The concluding paragraph of the Speech brought him to the subject with which he began, and he trusted there would be no difference of opinion in adopting those measures which were necessary to the support of the Prince Regent in the exercise of the functions of the government; a trust which he had shewn himself so eminently qualified to fulfil.—The noble earl concluded with moving an Address to his royal highness the Prince Regent, which was, as usual, an echo of the Speech.

Lord *Brownlow* rose to second the Address. After the able manner in which it had been moved, it could scarcely be expected that he could add much to the remarks already made. He would, however, trouble the House with a few obser-

Digitized by Google

vations. He fully coincided with the expressions of sorrow for the King's illness which the Address contained. It became us to bow to the visitations of Providence; but when we considered the long period and the happiness of his Majesty's reign over us, it could not be unsuitable to hope for his speedy restoration to the prayers of his people. Yet the House had a right, in this calamity, to feel great consolation from the tried virtues of the Prince Regent; who, when summoned to take the reins of government under such peculiarly afflicting circumstances, had proved himself so worthy of the reliance placed on him. The affairs of the peninsula were cheering, in spite of some successes which had been obtained by the enemy; the ardour of the people was more vigorous and apparent, their spirit burned more bright, and their resistance was stronger than ever. The consummate ability displayed by lord Wellington in the conduct of the campaign in Portugal could not be too highly praised; and the affairs of the peninsula gave good hope that Spain would yet shake off her invaders, and become a firm and powerful ally. By the same judicious system Portugal had been saved, and her armies had now risen into a formidable barrier against the enemy. It might not be too much to hope, that the example set by the brave people of the peninsula would produce its effect on more distant nations. Our conquests in the Indian seas formed another subject of just congratulation, in which an army of the enemy had been destroyed or captured in the most gallant style. Respecting America, the adjustment of the affair of the Chesapeake was highly satisfactory, and after the assurance of the Prince Regent, he was convinced there would not be wanting on our part any means of conciliation consistent with the honour and the interests of the country. He hoped at the same time that we should firmly oppose any French views that might be entertained in the United States, and which could only lead, if not firmly opposed, to ruin and to misery. He trusted that, in the support of the Prince Regent, alluded to at the conclusion of the Speech, there would be an unanimous concurrence in those measures which were necessary for that purpose.

Lord *Grenville*, considering the critical circumstances of the times, and the present alarming state of the country, would have been happy if the Address proposed to the House had been so worded as to procure unanimity, on the present day, at least; yet, he did not feel surprised that such had not been the case, when he reflected, that the framers of the Speech were the very men who, by their obstinate blindness, had brought the country to the brink of ruin, and who, in the midst of the distresses they themselves had occasioned, still held the same flattering and fallacious language. On some points of the Address, indeed, there could be no difference of opinion. Every heart, for instance, must sympathise in the feelings expressed by his Royal Highness, at the awful visitation which still pressed on our beloved sovereign; and the disappointment of those hopes of recovery which had been held out, was equally felt by every one of his Majesty's subjects. The noble lord was sure also that every member of the House would concur in that part of the Address, which assured his Royal Highness of the most cordial support of the House in the discharge of the arduous duties he had taken upon himself. To the praises bestowed on our brave army and able commanders, no one could have any objection; and in that case, he himself was willing to contribute his weak tribute of thanks. But the question wore a different aspect, when noble lords were to consider the advantages the country had received, or was likely to receive, from those meritorious exertions. In doing this, they would have many political and financial considerations to attend to. But the subject not being under discussion, he would not dwell longer upon it, but proceed to make a few observations on the other parts of the Address. It had been customary to consider the opening of the session as a day, on which a general outline of the state of the nation was submitted to the House, together with a concise view of those points which were likely to engage most of their attention during the session. This custom the noble lord considered as being perfectly parliamentary; for such outline, when confined within due bounds, gave their lordships a clear and distinct view of the grounds on which they were to act, of the necessities they had to provide for, and of the pledge which was required from them. But were the noble lord, in the present instance, to undertake pointing to the House the various branches of arduous duty which were likely to fall to their lot, he was sure he should sink under the task. The House was no longer called

Digitized by Google

upon to provide for the prosperity, but for the very safety, nay, existence of the country. The various subjects which called urgently for their most serious attention, were so numerous, so important, and so weighty, that the labour would prove Herculean, and not to be disposed of in a single night's debate. The measures absolutely necessary in such a state of things, had been frequently alluded to in that House, and were familiar to most of the noble lords. His lordship would not then advert to them, but repeat his observation, that no outline of intended measures, no view of future proceedings, had been submitted to their lordships, and yet they were called upon to pledge themselves for the continuance of a system which had brought the country to the present alarming situation. He would give no such a pledge. He would not indeed move an amendment to the Address; but he would protest most solemnly against giving such a pledge. He would protest against a continuance of those measures which had brought such calamities on the country; calamities so real and so momentous, that they must soon press themselves with irresistible force on their lordships' attention, whether or not they were willing to give them the consideration they deserved. People might chuse to close their eyes, but the force of truth must dispel the wilful blindness; they might chuse to shut their ears, but the voice of a suffering nation must sooner or later be heard. The noble lord said he still retained his objections to every part of the system he had so often condemned; he still deprecated that wanton waste of money, and of all the public resources, when it was more necessary than ever to husband them with the most provident care. He still objected to those commercial measures, which were pompously announced as the most formidable weapon against the enemy, and which had recoiled on our commerce and manufactures. He still retained his objections to a system of finance, which had forced a debased coin on the people, and had spread bankruptcy and ruin throughout the land. But, above all, he protested tenfold against the system obstinately pursued in Ireland, where the strong arm of power had attempted to stifle the dutiful complaints of the people. And here the noble lord begged of their lordships to consider the portentous way in which the state of Ireland had been alluded to in the Speech. Their lordships' attention was not directed to the oppressions under which the Irish laboured, nor to the grievances from which they sought relief: no, they were solely to look to the revenue drawn from a people so situated. His lordship could not help admiring the statesman, who had penned that part of the Speech, and who, while he was holding up that paltry consideration to the attention of the House, seemed to have forgotten, that the only way to make revenue permanently productive, was to make the people happy, and to lend a willing ear to their just complaints. Things had, however, come to such a crisis in Ireland, that their lordships must have to decide on the grand question, during the present session. They could no longer hear of procrastination, of irresolution, or of further considerations. They must inevitably decide, during the present session, whether Ireland was to be treated as a sister kingdom; whether the Irish were to be considered as British subjects; and whether such a large proportion of the population of these realms were to be admitted within the pale of the constitution. The consequence of a refusal, his lordship would not anticipate, nor should he, perhaps, have dwelt on that topic, in the present instance, were it not, that, in a very few days, and, probably, in the course of the week, the subject would be brought distinctly and separately before their lordships. He was glad of the opportunity of giving that notice to noble lords, and hoped it would prove a sufficient apology for having introduced the subject that day.

The Earl of *Liverpool* wished as much for unanimity on the present occasion, as the noble baron who had just sat down; but to that wish he could not sacrifice a public principle. The noble baron had justly said, that on the day of the opening of the session, a general outline of the state of the nation was usually laid before the House, but it had never been deemed necessary to introduce into that outline, all the topics which might afterwards demand their lordships' attention. The details, for instance, on foreign connections, were invariably reserved for future opportunities; and he could not think of altering that established and approved line of conduct for the sake of unanimity. The present, his lordship was convinced, was not a fit day to dwell on such or any other details; but the noble baron had entered a general protest against the whole of the

Digitized by Google

system pursued by the present ministers, and on that ground, he was ready to meet him the more willingly, as that system and those measures so condemned, had stood the test of experience. Many opportunities would undoubtedly occur of canvassing the merits of their different opinions; but, as the noble baron had been heard in support of his, it would not be, perhaps, too much to presume, that the same indulgence might be allowed to him. He was firmly convinced that the system the noble baron had so much condemned, was the only one that had saved, or could have saved this country: to the continuance of that system only, Europe could look for deliverance, and England for permanent safety; in short, by the merits of that system his lordship and his colleagues were determined to stand or fall. As to the affairs of Ireland, the noble lord said he had given to that subject all the attention it deserved, with due consideration, as to the justice and expediency of the case, and he still persisted in his former opinion. The noble baron had, however, given notice that the matter would shortly be brought before the House, a notice rather unusual, when the Speech contained no allusion to the subject. He could not, however, let the noble baron's remarks pass without saying, that he was fully prepared, whenever the day should come, to defend his conduct, and that of his colleagues, as well as the conduct of a noble duke in Ireland, and that of his colleagues also. But he would repeat, that he should reserve his arguments for a day, when the subject should come before the House, unmixed with any other extraneous matter. As to the Address itself, his lordship conceived, that it contained nothing which could prevent any member of the House to concur in assuring his royal highness the Prince Regent, that they were ready to lend him all the assistance in their power, in the discharge of the arduous duties which had devolved upon him.

Earl *Grey* said, that he fully concurred in the propriety of avoiding any lengthened discussion upon the various important topics which were suggested by hearing the Speech which had been read from the woolsack. He entirely approved of the policy pursued by his noble friend in confining himself, on the present occasion, to the delivering of his protest against any expression of his opinions being understood upon points in which it was impossible for him to concur: thinking also, that most of the topics were of such importance, as to require a separate and particular discussion. Concurring generally in the address which was proposed, he could not refrain from joining his noble friend: he should feel unhappy if he departed from that House without declaring, that he retained all the opinions he had before held, on subjects of great magnitude; opinions confirmed by experience and the evidence of facts,—opinions which he should be ready to maintain and defend, on future opportunities of discussing them. Whether the noble secretary of state chose to allude to the state of affairs with America, on which he had shewn much caution, and even silence, and ventured to call our transactions in that quarter, a verification of the assertion that the system of the government had contributed to the security, prosperity, and honour of the country; or whether he intended to refer to the system of our measures in the peninsula, he pledged himself that he should be ready to meet him, and to contend, that whatever might be said to have been done, had not been done to the promotion of the safety and honour of the country; and that the general system adopted had been, in fact, the source of almost all our present and impending calamities. On the important concerns of the state of Ireland, he must deeply regret, that, from the manner of mentioning it by the noble lord, he could derive no hope that ministers had seen the impolicy of their conduct; or that they would adopt—he would not say, merely wise and liberal measures, but some measures more consistent with justice, and with the common rights of mankind. No hope could he derive of any useful measure on that subject, so essential to the safety of the country; but, on the contrary, ministers seemed determined to persevere in what they considered to be the wisdom and expediency of adhering to their system for the future. He thought the House bound immediately to take into their consideration the treatment of the people of Ireland, not only with a view to what had already passed, but with a prospective view, for the adoption of such timely and just measures as might avert the ruin of the country. Government, however, he must repeat, appeared, for any thing he had heard to the contrary, to be resolved on pursuing a system which would risk the destruction of the public safety. He

Digitized by Google

was happy to learn that a proposition on this subject would speedily be brought before their lordships, which would bring all its important relations under review. With these observations he could be content to reserve himself for future opportunities, but for one singular assertion of the noble lord, that he trusted that the House, and the public, would concur in supporting the government of the Prince Regent, in pursuance of the sentiments contained in the address. Was it to be conceived, that in opposing measures of administration which he thought were fraught with danger and ruin, he was withholding that support which was necessary to the Prince Regent in his conduct of the government of this kingdom? No! Be the ministers whom they might, he would give them his support in what was just and necessary for the conduct of the government; but, if impolitic, unjust, and ruinous measures were proposed or acted upon, his duty to that House, to the public, and to the Prince Regent himself, would certainly induce him to raise his voice as loudly as he could against them. He said this more especially, because it was not possible for him, though he did not oppose the present address, to recede from the opinions which he had previously delivered on many subjects of the greatest and most essential interest to the nation.

The Earl of *Darnley* adverted to the state of Ireland, and the question relative to the Catholics. There was now an opportunity to do what would be beneficial with a good grace. He thought that the late exemplary conduct of the Catholics of Ireland, under circumstances of great irritation, ought to make its due impression on their lordships' minds. He recommended them to beware, lest they might lose the only opportunity that might be afforded them.

The Duke of *Norfolk* adverted to what had been said respecting the avoidance of topics not mentioned in the speech. He had been in parliament thirty years, and he knew that it was a parliamentary practice to submit amendments, not merely on points of the speech, but on such as were omitted in it. It might be very proper and parliamentary to move an amendment to the Address, stating that the House would take immediately into its consideration the state of Ireland, in order to bring forward such measures as might be necessary and useful for that country, and the kingdom at large. He did not mean, that certain recent transactions in Ireland should be the subject of such an enquiry, considering them not as of the immediate essence of the question, but rather as measures of police and regulation, which it was not necessary for government to bring forward, nor for parliament at present to take up; particularly as such matters were in the course of coming into the courts of law, to be decided there by judges and juries. His grace did not mean to animadvert upon what was a pending question of law. But the noble secretary of state had gone a little farther. He had, if he understood him rightly, intimated, that he would raise his voice from one end of the land to the other, in support of the sentiments in the Address to the Prince Regent, pledging them to support his government. As he had defended the whole system of the ministry, his grace wished to know what this sort of call meant. Was it a call similar to that which was excited in the country some time ago, when the present ministry came into power? They might call 'vasty spirits from the deep,' but he hoped they would not come up: if they did come, the call would only end in destruction.

The Earl of *Liverpool* said, that he had not objected to the propriety of moving an amendment on points omitted. The noble duke had misunderstood him. When he had spoken of the people throughout the country, he had reference to the general support by the people, of the government of the Prince Regent, and the safety and honour of the country.

Lord *Grenville* said, that the explanation of the noble lord called upon him to say a few words more, and to ask whether the noble lord thought it was necessary for him to call on the people throughout the country to support the government of the Prince Regent. He would assert, that it was not. For himself, he had expressed his concurrence in the desire of parliament to support the Prince Regent in the discharge of the awful duties of the high station which had been cast upon him: but an insinuation seemed to have been conveyed, which the circumstances neither merited nor excused.

The Earl of *Liverpool* intended no insinuation. Had he supposed that there were persons who were not disposed to support the government of the Prince Regent, in what he believed to be for the safety and honour of the country, he should not have spoken in the way of insinuation. In

Digitized by Google

what he said, which was alluded to by the noble baron, he was referring to the foreign policy of this country. It was in that view of the subject he stated, that he believed ministers had the support of the great majority of the country from one end to the other.

The Address was then agreed to, *nem. dis.*

SPAIN AND HER COLONIES.] Lord *Holland* wished to ask the noble marquis opposite, whether any progress had been made in the mediation offered between the government of Spain and her colonies in South America; and whether it was the intention of ministers to give any information on such progress? He concurred with the noble lord's views on that subject, as they appeared to him. He only wished, as an individual, to be assured that the real views were what he conceived them to be. A year and a half had elapsed since the Caraccas rose in rebellion, and three months since the mediation was agreed upon. If his view of the proffered mediation was correct, for the sake of humanity, it became necessary to enforce it directly, and yet a year and a half had elapsed without any progress being made, or the policy of ministers being known.

Marquis *Wellesley* said it was a case requiring great care, attention, and circumspection. It was necessary to avoid inflaming animosities, fomenting jealousies, and exciting passions, that mixed in this business. The difficulties, therefore, which stood in the way, required a cautious procedure. Through the whole of the business, all the ministers were of opinion it was better to preserve the integrity of the Spanish colonies, as a support against the common enemy, than seek any temporary advantage that might be derived from their present state in relation to the mother country. He had every hope, that ultimately his wishes would be crowned with success, but whatever might be the result, he was confident that nothing would be done to excite jealousy or suspicion. At present, he hoped the noble lord would not seek further information.

Lord *Holland* said this amounted to no information at all. Care had been taken to name a commission; but three months had elapsed, and care had been taken not to send it away. He wished to know what progress had been made in the mediation? It was a curious mediation to let two friends fight first, and after they had given each other black eyes and bloody noses, then to interfere.

Marquis *Wellesley* did not mean to say that no steps had been taken. The truth was, there had been an early interference, but it had not led to the removal of the difficulties which prevented the mediation from being proceeded in. It was necessary to ascertain previously, that both parties would agree to the mediation, and be likely to acquiesce in what it might be in contemplation to recommend. Such progress had therefore been made, as the nature of the case would admit; and had he proceeded with more promptitude and expedition, it might have inflamed passions and raised difficulties, that might defeat the object in view.

Lord *Holland* professed himself not satisfied with this answer, and accordingly gave notice of his intention to move for papers on the subject.

HOUSE OF COMMONS.

Tuesday, Jan. 7.

ANSWERS OF LORD WELLINGTON AND GENERAL BLAKE TO THE VOTE OF THANKS.] The Speaker acquainted the House that he had received from general lord viscount Wellington the following letters, in return to the Thanks of this House of the 7th day of June last.

"Portalegre, July 25th, 1811.

"Sir; I have the honour to enclose the copy and translation of a letter which I have received from General Blake, in answer to one which I wrote to him, to transmit the Resolutions of the Houses of Lords and Commons of Great Britain and Ireland of the 7th of June, on the subject of the battle of Albuera. I have the honour to be, Sir, &c. WELLINGTON."

"The right hon. the Speaker of the House of Commons, &c. &c.

"Sir; the unanimous Resolutions of the two Houses of Parliament of Great Britain and Ireland of the 7th June, which your excellency enclosed with your letter of the 28th June, expressing the sentiments of the two Houses on the conduct of the Spanish troops under my command in the battle of Albuera on the 16th of May, must be considered highly gratifying to the mind of every military man; and, at the same time, that they are calculated to convince the common enemy of the esti-

Digitized by Google

nation in which the three allied nations hold each other, and of the strict union which prevails among them: The high honour which these illustrious assemblies have conferred upon the Spanish troops, will be received by them with sentiments of gratitude and enthusiasm proportioned to the heroism which all displayed on that day in the cause; solely that they might deserve the approbation of its well wishers.

"Your Excellency is aware of the estimation in which high-minded soldiers hold such honourable testimonies of approbation, and therefore I will confine myself to request your excellency will express our gratitude to the two Houses of Parliament, and will take that occasion to repeat the wishes entertained by us, in common with the Spanish nation, for the permanence of an union which has already produced such glorious effects, and of which the consequences will be a period of happiness and glory for many ages.

"I beg that your excellency will allow me to add, that it has encreased our satisfaction, to have received the resolutions of the two Houses through the channel of a person who is already distinguished in military history, and most particularly in the annals of the war in the peninsula. May God preserve your excellency, &c.

"Signed, JOACHIM BLAKE.

"Ayamante, 6th July, 1811.

"His excellency capt. gen. Viscount "Wellington. A true translation,

"Joseph O'Lawlor."

THE LORDS' COMMISSIONERS SPEECH.] The Speaker informed the House, that the House had been in the House of Lords, and had heard a Speech read by the Lord Chancellor, one of the Lords Commissioners, to both Houses of Parliament, of which he had, for greater convenience, procured a copy, and which, with the leave of the House, he should then read to them. The Speech was accordingly read, [for which see p. 1.]

Sir F. Burdett immediately rose and observed that he felt it his duty to take the earliest possible opportunity of addressing the House and his Royal Highness the Prince Regent, on a subject which seemed to him to be of the utmost importance to the country.

Lord *Jocelyn* rose at the same time with the hon. baronet, but sir Francis having first caught the eye of the Speaker,

The *Speaker* decided that the hon. bart. was in possession of the House.

Sir *Francis Burdett* said he could not forego the opportunity now afforded him of offering himself thus early to the attention of the House, and of proposing, for their adoption, such an Address as, in the situation in which the country was placed, seemed to him to be imperiously and peculiarly called for. In addressing his royal highness the Prince Regent in the language of truth, and telling him what were the feelings of the people of these kingdoms at the present moment, he was conscious of discharging a duty of the most important kind, both to the Prince and the people. From what he knew of the feelings and declarations of the Prince Regent, he was persuaded that he was not one of those princes who wished to hear nothing but what was sweet, pleasing, and agreeable. The conduct and declarations of his royal highness were of a very different kind, and he felt that he should not do his duty to his constituents, to the country, or to the Prince Regent himself, if he let go the present opportunity of addressing his royal highness, and expressing to him what were the real feelings of the country at the present moment, and what were the grievances of which we had to complain. The exertions of the Spanish people against our common enemy were, no doubt, to be regarded by us as of consequence, nor were their losses to be attributed to any failure on our part; and it must afford us pleasure and gratification to know that we had a brave army, who did not disgrace the spirit of their forefathers. But, in the course of the compliments so largely and justly bestowed on our army, we never once heard mention of that word, as the spring of our exertions, the word 'freedom,' to the love of which, in old times, we were so much accustomed to attribute the bravery and courage of our armies. It could not be contradicted, that for the last 18 years, every succeeding year in which the members of that House met each other in their places, was more calamitous than that which had preceded it. He was afraid he might even go farther back, and declare that this had been the case from the very beginning of the present reign—that our calamities had been begun from the commencement of the American war, and had been going on in a progressive increase for nearly half a century. And if, for the last fifty years, the situation of this country had always been growing worse and worse—was it not now time to reflect? Must we not, at

Digitized by Google

length, be convinced that there was something in our system radically wrong? It should be his duty, this being the case, to endeavour to point out to the attention of his Royal Highness in what this fundamental error consisted. The effects of the American war, he contended, were felt at this day, in the war in which we were now engaged. It was a war commenced on the very principles of the American war. A detestation of the principles of liberty which had broken out in France, first involved us in a war with that country; and on the same system, he was afraid, we were proceeding at the present moment. The former war was undertaken, as it was alledged, for the protection of the navigation of the Scheldt, which the Dutch admitted to be a miserable pretext. After that crusade was finished, we now found ourselves engaged in another seemingly endless contest; and he did not believe that any one of the persons who defended it, could say what we were fighting for. Not for liberty—that was a word which never once escaped their lips. Was it for the independence of Spain? No. They talked, indeed, of the enemy of the sovereign of that country; but the rights of the people of Spain was a thing they never thought of. Those rights of the sovereign of Spain, however, which gentlemen might say we were now contending for, had been, by that sovereign himself, resigned into the hands of Buonaparté, and were now completely frittered away. The Speech on the present occasion, the hon. bart. must, in a peculiar degree, consider the speech of the minister. So long as there was any hope of a successful issue to the struggle by the people of Spain, he had no objection that every assistance in our power should be rendered them. The language held in the Speech, however, on this subject, he did not believe; nor was he by any means convinced that gentlemen entertained those hopes which they expressed. The laurels earned by our gallant soldiers he sincerely rejoiced in. Their bravery had been great, and the honour they had thereby purchased was proportionate; but, after all, the victories they had achieved were barren, and were followed by something very like defeats. It was true that general Hill had gallantly surprised a small division of the enemy: still the French were making regular and rapid strides towards the subjugation of the country; while, for our triumphs, we had nothing to shew. The cause of this failure was the radically vicious principle of supporting despotism in this instance, as we did all over the world,—the attempt to support desperate, falling, and not to be supported, states, instead of the good old British reason of maintaining the cause of freedom. To this it would be said, Do the French proclaim liberty? No; but they endeavoured to conciliate the minds of the people by such concessions as might please them; while it was a serious fact, that the Inquisition remained in existence in those parts only of the country of which the English had possession. But there was a curious contrast to which he must call the attention of the House. We were fighting strenuously to maintain the Catholic religion in the country of our Spanish allies; though, at the same time, those whom he should conceive to be our more valuable allies at home—the Irish—a generous, brave, and long-suffering people, were, for a trifling condition, withheld from their best and dearest rights. This exclusion of our most natural allies, he could not but consider as an act of gross treachery. The speech of the right hon. gent. opposite, (for so he must call the Regent's speech) contained all faults by being guilty of all omissions. It was not sufficient to call together the supposed representatives of the people of England, and to tell them—(cries of Order, order!)

The *Speaker* called the hon. baronet to order, and observed the House could not hear such language as applied to itself.

Sir *Francis Burdett* said, that nothing could give him greater pleasure than to hear that from the chair; since it proved, that there was a firm conviction that the House of Commons ought to represent the people of England, when to hint a contrary opinion was considered as an insult not to be borne: and yet, on the 11th of May, 1808, a minister was detected in the traffic of seats,—a practice which was not only not denied, but unblushingly avowed to be as notorious as the sun at noon-day; and, therefore, it might have been conceived that gentlemen would not have been over delicate at hearing such things suggested. —The hon. baronet then called the attention of the House to the shackles imposed on the Prince Regent—restrictions, than which nothing more insulting could be conceived, as they supposed that the son was capable of using his power contrary to the interests of his father: but, happily for the country, those restrictions would soon expire; an event to which they would

Digitized by Google

look with anxiety, as the Prince had by many gratuitous professions, long pledged himself to those enlarged principles, and that liberal system of policy, which had raised the nation to the lofty pinnacle of happiness and glory on which it stood at the close of the reign of George II. He had the greater hopes and confidence in the Prince, because he had felt the power which was so much complained of. Able writers had, indeed, written in praise of different forms of government,—the absolute, the democratical, and the mixed; but none had been found hardy enough, in the worst of times, to be the advocates of oligarchy: and the present oligarchy was one of the worst species,—not of a few of the best men, and of the greatest interest in the state, but an oligarchy of rotten borough mongers,—a sort of men known in the history of no other country except our own. The consequences of this destructive system were, that abroad, the monarchs, our allies, were either chased from their crowns, or, after an immense exhaustion of blood and treasure, held their sovereignties at the will of Buonaparté, or depended for support on a scanty and eleemosynary pittance—Such was their fate. Look at the continent, there was the book in which all might read it. Was it possible that the House could be so insensible and blind to danger, as to flatter themselves within these walls, that by calling themselves the greateat and the wisest, and the best nation, they could counteract evils such as had never before threatened the country?—If the House turned its eyes from the continent, and from abroad, and looked to the internal state of the country, there was nothing consolatory to rest upon. There existed a system of taxation, the deprivations of which prevented the strictest industry from procuring a livelihood, and generated a pauperism throughout the land,—a pauperism aggravated by pillage. Formerly the exactions of an Empson and a Dudley called forth the indignation of a whole land; nor did our forefathers allow the plea, that they had acted under the sanction of an act of parliament, as any exculpation of their infamous proceedings. But now, look at our surveyors, and our surchargers; whose conduct was such, that the payment of money (however great that evil) was the least inconvenient and offensive part of the system. There were now Empsons and Dudleys in every county; and the trial by jury, which was here more than ever necessary, was before these fiscal tribunals disallowed by special act of parliament, which even denied to the suitors at those courts the assistance of attorney or counsel. In short, the whole land was in a state of terror. Military possession was taken of the country; depôts, and barracks, and fortifications, were formed; and mercenary Germans and foreigners were scattered over the kingdom, as if England could not defend itself, and must have recourse to Germans, who had not been able to defend their own country. The jealousy of our ancestors was such, that a remonstrance was presented to Charles I, for having 1,000 foreigners in his pay; but now, not only was the country overspread with foreigners, but even our own soldiers were compelled to wear the German dress and whiskers; as if the whiskered face of a German was more formidable to the enemy than the smooth open countenance of an Englishman, though it had been found that the French were never scared by whiskers. But he must say, that the plain red coat excited more respect, and was more associated with our ideas of courage and endurance, than all that military finery and foppery of which the soldiers themselves who wore it seemed ashamed. All this evinced such a mass of absurdity and folly, that he was sometimes tempted to acquit ministers of any worse intention, though, perhaps, this was merely thrown out as a blind to more pernicious motives.—Another grievance to which he should call their attention, was the system of military discipline which oppressed the country, and which subjected every soldier for the most trifling misconduct to be corporally punished at the miserable caprice of almost every officer. He was glad to mention this so early in the session; for the reform of it would doubtless form a very important part of its business. There was some justice in its now coming home, as it were, to the backs of our countrymen; for, now, by the local militia system, almost every man in England, every father of a family, was subject to this punishment; so that he had no hesitation in repeating what he had before said in this House, that this was a flogged nation. No exertions of his, the hon. baronet pledged himself, should be wanting to wipe off this stigma from the nation. Some people were pleased to say, that this was a punishment which could not be entirely dispensed with, and that it was only

Digitized by Google

inflicted in few instances. Let the offences, however, for which it was to be inflicted, be defined, so that it might not be an arbitrary punishment; or let a substitute, whatever it might be, be found for it: officers were exempt from such a punishment; and why should the soldier be exposed to it? This was another complaint, under the head of grievances, to which he wished to call the Prince Regent's attention.—Amongst other grievances, to which he felt it now to be his duty to call the attention of the House, and of the Prince Regent, was one which operated both in the nature of a tax, and of a grievance and imposition on the liberty of the subject. A power had been lodged of late years in the Attorney General, by which the law of the land was set aside; and he was invested with an authority of filing criminal informations, as they were technically called. This was a power of a novel and most dangerous kind, one which could not safely be for a moment entrusted to any man. The exercise of such a power could on no principle be reconciled to the idea of law, of justice, or of common sense or feeling. It depended on the humour, or caprice, of the person with whom the power was entrusted. It would be absurd to doubt the illegality of such proceedings. Nothing could be legal which was not defined. How this power had been used, he should not now inquire. It was sufficient for him at present to say, that more informations of this kind had been filed within the last two or three years than in all the period before, since the Revolution. It was impossible not to see, that, in the exercise of this arbitrary discretion, great partiality must take place; that some persons were called up for judgment and others not. In one recent case, he alluded to that of White, for a libel, even the judge had gone the length of anticipating condemnation, before the jury had given their verdict. When the House saw these things; when they saw, that, in virtue of these criminal informations, many persons had, in the most arbitrary and unjust manner, been sent to distant jails, must they not be convinced that the liberty of the press, one of the grandest bulwarks of the freedom of these kingdoms, was in the utmost danger of being annihilated? When they saw the conductors of the press held to bail, time after time, at the pleasure of the person entrusted with the power of filing these criminal informations, must they not be surprised that the press was at all free? This the hon. baronet conceived was another great grievance; and he felt surprised that the persons connected with the press were not terrified into complete silence, after the terrible examples they had seen. Even in case of acquittal, the punishment, in the way of costs, was severe. For though by law they would have been free from any farther expence, in the event of the Bill not being found, yet, by this mode of proceeding by criminal information, they were obliged to give bail, to renew it from time to time, and to proceed till they obtained a verdict of acquittal; so much so, that the costs of obtaining the verdict of acquittal amounted of themselves to a most severe punishment. From the crown no costs could be obtained. He confessed he saw no ground for any such rule; but, if the crown would carry on unjust prosecutions, particularly if the Attorney General would file groundless *ex-officio* informations, he thought that the party accused was well entitled to his costs. If such an officer was necessary, an *ex-officio* filer of informations, he was also of opinion that there was more, or at least equal ground for making his an office for life, as that a judge should be for life. Some of the sentences recently imposed, too, operated most unjustly; as for instance, in the cases of White and Hart, where Hart was sentenced to the same period of imprisonment with White, although Hart was only the servant. There was this additional hardship too, in Hart's case, as he understood it, that he was even deprived the use of small beer, and was confined to the common jail allowance of water. The hon. baronet contended that the unnecessary severity of a government never failed to brutalise the people; and when that was produced, it would be found a never-failing observation, that the conduct of the government was at the bottom of it. The education of a nation consisted not in teaching the people to read and write, though those were advantages which he was far from undervaluing, and which he heartily wished to see afforded to all; but still he must say, that in them did not consist the essential education of a people. These, indeed, were calculated to produce great advantages; but the real education of a nation was produced and matured by the fairness, justice and mildness of its government. By all the various grievances

Digitized by Google

which he had enumerated, more particularly by extending the military character to all, and by the sufferings and burdens under which we laboured, was this education greatly checked, if not annihilated; and sympathy and feeling were almost extinguished from the breasts of our oppressed countrymen.—On these various topics he should move, That an humble Address be presented to his royal Highness the Prince Regent. He had framed his Address with all respect to the illustrious person to whom it was meant to be presented; and at the same time embracing every point which his own sense of duty to his constituents, and to the country in general, pointed out to him as essential. The great and important point, he conceived to be, a full and fair representation of the people in that House. To the want of that full and fair representation of the people in Parliament, he, with full confidence that his assertion was correct, attributed the debt of the hundreds of millions sterling with which we were now loaded, and the numerous other calamities which had been daily accumulating on the country. He was happy to think that his royal highness the Prince Regent had a short interval before he should be entirely freed from the shackles with which he was now loaded, during which he might have leisure to reflect on the different topics to which he had felt it to be his duty to allude in the Address which he now held in his hand. He had the fullest confidence in his Royal Highness, that they would receive his serious consideration; and, on a mind so constituted as that which his Royal Highness was known to possess, he entertained not a doubt that the grievances of a faithful and suffering people could not fail of making an impression corresponding with their weight and importance; satisfied as he trusted his Royal Highness would be, that on a due attention to, and on the redressing of those grievances, depended the lasting glory of his Royal Highness's throne and that of his family.

"His ego gratiora dictu alia esse scio,
"Sed me vera pro gratis loqui,
"Si mens ingenium non moverit
"Necessitas coget."

The hon. baronet then moved the following Address:

"We, his Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, return your Royal Highness the humble thanks of this House, for the most gracious Speech delivered by the Lords Commissioners, by your Royal Highness's command.

"We assure your Royal Highness that we shall, without delay, take into our serious consideration all the matters to which your Royal Highness has been pleased to direct our attention, and endeavour to adopt such measures as are best calculated to meet the exigencies of the times.

"But we should deem it a failure in our duty, were we on this solemn occasion to omit expressing to your Royal Highness with the frankness suggested by a due sense of our functions, the sentiments we entertain on the present situation of our country, and to point out to your Royal Highness the remedy, which, in our opinion, is called for by the evils already experienced, and by the dangers which appear to be impending.

"We always hear with great satisfaction, though not with surprise, that our countrymen in arms, whether by land or by sea, maintain the character of their ancestors; but, we cannot, at the same time, dismiss from our minds all consideration of the little effect with which their valour has been exerted; and, in the cause, in which it has been displayed, we lament to see nothing characteristic of that love of freedom, for which this nation has heretofore been so highly renowned in the world. In looking through the history of the last eighteen years of war, we find the valour and resources of our country in no instance employed in the defence or restoration of freedom; but almost constantly in endeavours to prevent the oppressed from becoming free, or to replunge them into slavery, to re-harden the grasp of despotism, and to sharpen the half-blunted fangs of persecution; so that, the British flag, formerly the dread of tyranny, appears, through this long and disgraceful period, to have waved only in hostility to the liberties and happiness of mankind.

"From a line of conduct so repugnant to justice, to the common sense and common feeling of men, the natural results have ensued. In those distant regions, where ignorance and feebleness have rendered the people an easy prey to successive usurpations, we have uniformly been conquerors, and, in overturning one despotism, have, for the purposes necessary to the maintenance of corruption at home, uniformly erected another in its stead;

Digitized by Google

while, in all those countries, where men have attained a knowledge of their rights, and have possessed courage to avenge themselves on their oppressors, we have found few and treacherous friends, and many and implacable foes.

"The Sovereigns, our Allies, subdued not less by that abuse of their power, which we endeavoured to support, than by the arms of their and our enemy, have either been driven from their thrones, or have abandoned our cause and disclaimed our connection, as the only means of retaining even a scanty portion of their former dominions; so that, after having stirred up, in hostility to freedom, almost every sovereign of the continent of Europe; after having expended hundreds of millions in support of that formidable but unprincipled league, we are, at last, reduced to contend alone with the conqueror of that continent, upon a spot, which we have only assisted to desolate and ravage, in defence of sovereigns, who, unable to rely on the affection of their subjects, have sought their personal safety in abdication or in flight.

"To the regret at having seen the national resources exhausted in the prosecution of measures so fraught, at once, with wickedness and folly, we have not, however, to add the shame of having seen the people of this kingdom voluntarily lend their aid to those measures. Their sense of justice and love of freedom revolted at so inhuman a crusade, which, at the outset, they condemned, and against which many had the virtue openly to protest, well knowing, that a war against freedom, in other countries, was, in reality, a war against the people of England themselves.

"To counteract the effect of opinions so obviously just, a system of terror was resorted to; false alarms were excited; spies and informers were hired; plots were invented; constructive treasons were revived, and new-fangled treasons were enacted; the safeguards of personal liberty were removed; fortresses, under the name of barracks, were established throughout the land; and the fame and the person of every man were placed at the absolute disposal of those, who, calling themselves the servants of the king, were, in fact, the agents of that rapacious and haughty oligarchy, who had long fattened on the miseries of the country, and who, in the progress of the principles of liberty, saw the seeds of a destruction of their ill-gotten power.

"Under the operation of this system we have beheld much that remained of our liberties wholly swept away; we have seen practised, under the name of collecting a revenue and in the guise of legal proceedings, acts of oppression and insult, which our forefathers would have perished rather than endure. The dwellings, the books, the most private recesses and concerns of Englishmen, once so sacred, are now exposed to the intrusion and inquisitorial scrutiny of numberless mercenary agents, appointed and removable at the pleasure of the crown. Financial rapacity breaks in between landlord and tenant, and, in violation of every principle of property, makes the crown co-proprietor in every man's estate, having a prior claim upon his tenant.

"Under the name of redeeming the land tax it makes a general confiscation of landed property; while, in the form of a stamp duty, it seizes the bequests of the dead in their passage to the living; so that, at last, there is no man in England who can be said to be the owner or proprietor of any thing, the government having, by degrees, assumed a controul and mastership over property of every description.

"There was a time, in English history, when the extortions of an Empson and a Dudley, though under the sanction of an act of parliament, brought the principals to the block and consigned their subaltern agents to public vengeance in the pillory; but, now we have many Empsons and Dudleys in every county, who, under the name of surchargers, supervisors, &c. inflict amercements and fines at their pleasure, the parties so amerced being denied not only an appeal to a jury, but even the aid of counsel or attorney to speak in their defence before those fiscal tribunals, which, to the terror of the people, are established in every corner of the land.

"In exact proportion to the increase of these extortions have we seen the increase of the military force, and the multiplication of means calculated to divest the soldier of all fellow-feeling with the citizen. Cooped up in Barracks and Depots, flogged for the most trifling offences, the former loses, by degrees, all regard for those rights of which he is deprived, all attachment to that constitution out of the pale of which he is placed, and becomes the passive and unconscious instrument of tyrannical coercion. But, mistrustful of Englishmens'

Digitized by Google

feelings, many thousands of German and other foreign mercenaries have been introduced and placed on our military establishment with privileges not possessed by the troops of our own country; whole districts of England and large portions of the English army have been put under the command of German officers; and, the more effectually to estrange the people from the native soldiers, the latter have, in many instances, been compelled to assume a German garb. The Militia, heretofore regarded as the sole constitutional force of the country, upon the principle, that, as men had most interest, so they would be most stout, in defending their liberties and properties; the Militia, having been long perverted from its legitimate purpose, has, at last, by the interchange of the English and Irish Militias, been converted, with respect to the two countries, into the too convenient instrument of reciprocal oppression; and especially with regard to Ireland, where the just remonstrances and complaints of a generous, a gallant, and long-suffering people have uniformly been met with repulsion and disdain.

"In the institution of the Local Militia we behold all the severities of a military conscription without its impartiality and without a chance of its rewards; and, in the assumed prerogative of calling upon the people to perform military duty under that system of discipline which is now in practice, we see every man in England, when commanded to take up arms in what is termed the defence of his country, liable to experience the degradation and torture of the lash.

"That a people, formerly so proud of their liberties, would be silent under such an accumulation of oppression, and that the communication of indignant feeling would not, in the end, produce resistance, was too much for even an insolent and obdurate oligarchy to expect. Therefore, the Press, never the last to suffer when freedom is assailed, has become, in proportion to the augmentation of these oppressions, more and more an object of jealousy and of vengeance. And, after having beheld the use that has been made of the unconstitutional assumption of power by the Attorney General to file Ex Officio Informations, to accuse, to arraign, to amerce, to hold to bail, to ruin, or to pardon, whomsoever he pleases; after having seen that this accuser, an officer of the crown removable at its pleasure, has also the power of demanding a jury, not taken out of an impartial pannel, but selected by another officer of the crown; after having seen a judge so eager to convict as openly to anticipate guilt before hearing the evidence in defence; after having seen the sentences in cases of political libel gradually become more and more severe, till they have far surpassed in severity those for the greater part of felonies, including long imprisonment, heavy fines, banishment to distant jails, and confinement in solitary cells, going to the almost certain ruin and the probable death of the persecuted parties; after having seen all this, and taken a view of the number of persons thus suffering at this moment, we cannot, we confess, see much room for repeating the congratulation of our forefathers upon the abolition of the cruel and accursed Court of Star Chamber, which did, without a Jury, that which is now done by means of a Jury chosen by an officer of the Crown; an alteration which only serves to screen a corrupt political Judge from his due share of public odium, and to deprive the victim of that public compassion, which is always called forth in behalf of those who suffer from undisguised tyranny.

"To particularise the fatal effects of this course of misrule would, if it were possible, be useless, they being too visible in the multiplied embarrassments and abject state of the country, whether in its affairs at home or abroad. But, to the great cause of all these evils we cannot, without a shameful neglect of our duty, refrain from beseeching the attention of your Royal Highness, who will, at once, perceive that we allude to the want of a real representation of the people in the Commons' House of Parliament. With a fair representation, the people are never in danger; because, from whatever quarter they feel grievance approaching, here is their court of appeal, here their means of immediate redress. Without such a representation, the people are never safe; they have no court of appeal, no friend in government, no means of redress or of protection.

"To the want of such a Representation, to the want of a House of Commons emanating from the peoples' choice and speaking their sentiments, we owe the eighteen years of war against France, lest example should produce a reform of corruption and abuses at home.

"To the want of such a Representation we owe the hundreds of millions of debt, which have debased our currency,

Digitized by Google

sapped the foundations of covenants, annihilated confidence, and added new crimes to our already sanguinary criminal code.

"To the want of such a representation we owe the unpunished rapacity of prize courts, the insults and injuries innumerable against friendly nations, the ruin of commerce and manufactures, and the countless number of paupers, whose state, when contrasted with the luxury proceeding from the public money lavished on placemen and pensioners, would be beyond human endurance without the ever-awing aspect of military force.

"If any thing be yet wanting to work conviction of these truths, we implore your Royal Highness to cast your eyes over the Continent of Europe. Not a Sovereign has there been dethroned, not a state has there been subdued, where the way of the conqueror was not paved by corruption in the government, and by the tyranny which corruption never fails, sooner or later, to call to its support.

"And, when we see the same causes at work amongst ourselves; when we hear the worst sort of corruption not only not denied, but unblushingly avowed and vindicated, upon the ground of its being as notorious as the sun at noon-day, it were presumption unparalleled to hope, that similar effects will not follow.

"To put an end, therefore, to Corruptions and Abuses, by a constitutional Reformation of the Commons House of Parliament, appears to us to be the only means of reconciling the people to their government, of rekindling their zeal, of invigorating their exertions, and of insuring the independence of the country, and the safety and stability of the throne."

Lord *Cochrane* rose, for the purpose of seconding the Address of the hon. baronet. He agreed with the Speech delivered in the name of the Prince Regent, in lamenting the continued indisposition of his Majesty; and thought that a high tribute was due to the bravery of our army in Portugal, and to the conduct of the commander in chief; but he would deny that the war as conducted in the peninsula, could prove ultimately successful. His lordship proceeded to maintain, that the forces of Great Britain were not sufficient to cope with those which Buonaparté could bring against us as soon as he had completed the subjugation of Spain, and obtained the command of its resources. Of this we were quiet spectators. To what, he would ask, was our army indebted for its success and for maintaining itself in Portugal, but to the total unproductiveness of that country. He agreed that every credit was due to lord Wellington, for the manner in which he had conducted affairs; but was inclined to expect very little of the Portuguese, who were conducted in chains to the army, more like slaves than soldiers, and dragged from their homes to support they did not know what. At Peniche he had seen ten thousand of wretched beings collected, in want of every necessary, and in a state of naked ness.—The noble lord then proceeded to make some strong remarks on the conduct of the Portuguese government. The gaols and dungeons of the Inquisition, he said were crowded with victims; and the British minister, who at present formed a part of the Regency, was lately under the necessity of retiring from Lisbon for some time, that he might not appear to countenance arrests and imprisonments which he could not approve. He would not scruple to assert, that the Portuguese government, as now constituted, was completely obnoxious to every class of society in that country: nay, farther, that both in Sicily and in Portugal the British name was detested, because of the support which this country gave to the respective governments of each, with all its abuses. With regard to Sicily, he could not help thinking that the real purpose of ministers was not so much to keep the French out of the island, as to keep the people subject to one of the most despicable governments that ever existed.—With regard to the defence of Portugal, which had been held out as of such great importance, he would ask how long would our army defend the country? Only till the French had made themselves masters of Spain; and then it would be obliged to retire within its fortified lines,—the whole extent of which would not afford grass enough to feed the bullocks for six weeks subsistence of the troops alone! He would assert, as a fact though it might appear extraordinary that, even at present, the bullocks and flour for the supply of Lord Wellington's troops, passed through the French army with licences, from the interior of Spain. This was a notorious fact; and he would leave the House to make their reflections upon it.—The noble lord then adverted to that part of the hon. baronet's proposed Address which referred to the internal state of the country; and professed his concurrence in the greater part of the se

Digitized by Google

timents which it contained. All, he thought, must own, that the freedom of the people had been greatly encroached upon, particularly by the oppressive mode of levying taxes, which he regretted to say were grossly misapplied. No part of a man's house was now free from the visits of tax-gatherers; and a man could not transport even articles that had paid duty on importation, a dozen of wine from one place to another, without a permit from revenue officers. He trusted that in this session of parliament a Committee would be appointed to take the conduct of the war, the objects for which we are contending, and the state of the nation, into consideration.—The noble lord then adverted to that part of the Speech which referred to the naval defence of the country, and maintained that our naval force was not rendered efficient, in annoying the enemy. Commanding the seas as this country did, our navy ought to be employed in threatening the coasts of France in all directions, by which means Buonaparté would be compelled to keep his armies at home, instead of sending them to be fed, clothed and paid by our allies for the purpose of their own subjugation. Were the gigantic naval power of England used as it ought to be, the whole force of France, vast as it was, would prove inadequate to the defence of its extended shores. Perhaps demonstrations of attack might prove sufficient, which if the enemy despised, then it would be, as it was at this moment, quite easy to annihilate the common ships of war, and destroy every thing on the shores of France; for England could, let the enemy do his utmost, bring a force to a given point far superior to any that the enemy could assemble against it, and thus operate a most powerful diversion. The noble lord concluded with seconding the Address.

The Address having been read by the Speaker,

Lord *Jocelyn* rose and said:—In rising, Sir, to move an Amendment to the Address proposed by the hon. bart. to his royal highness the Prince Regent, in answer to his most gracious Speech, I have to differ from the hon. bart. in every point of view, lamenting, at the same time, that it has fallen to the lot of a person so incapable either of doing sufficient justice to the sentiments of his Royal Highness, or of dwelling sufficiently strong upon those particular points to which his Royal Highness has referred us. I, however, shall throw myself upon the kind indulgence of the House, trusting that I may receive from them now, the same forbearance I have more than once before so gratefully experienced, hoping that it will condole with me on that subject, in particular, which the hon. bart. has omitted to mention, namely, the state of his Majesty's health. The House must most sincerely condole, in common with his Royal Highness and the country, at the calamitous state in which his Majesty still remains; we must lament it the more, as every day's experience gives us additional reason to despair of his ultimate recovery; but if so humble an individual as myself dare offer consolation to the wounded feelings to the House, upon so melancholy a subject, it would be by referring them to a grateful remembrance of those virtues—to a grateful recollection of that attachment to the constitution he so eminently possessed, and which the House will agree with me is no less conspicuous in the conduct of his royal representative. I am sure the House will most heartily concur in the anxious wishes of his Royal Highness, by making such arrangements for the care and comfort of his Majesty's person, as may be most suitable to his high and exalted rank, so that if it should please Providence to restore him again to the prayers of his people, he may find himself, upon waking from his trance, surrounded, not by the glare of pomp, but by that solemn splendour so due to his royal person, in whatever situation, or under whatever circumstances it may have pleased Providence to place him; for our anxious solicitude for his comforts is but a debt we largely owe for those years of care and anxiety he has passed in watching over the best interests of his people. The time now draws near, when those Restrictions, which the legislature thought fit to place on the power of the Regent, are about to expire, and however I differ from the right hon. gent. on the restrictive clauses in the Regency Bill, I have some satisfaction in thinking, that they have given the country an opportunity of proving that his royal highness, although placed in the most difficult situation, never for one moment lost sight of the advantages of the country, never had but one object in view, the happiness and the welfare of his people.

But, in calling the attention of the House to our affairs in the peninsula, no man, of whatever party he may be, can venture to withhold his praise and admiration at the

Digitized by Google

persevering bravery of our army in Portugal; neither can any man, at this time of day, deny that praise so justly due to the merits of my illustrious countryman, lord Wellington, who, at the head of that army, has proved to Europe and to the world, that the ambitious views of Buonaparté may be checked, and that the independence of a brave nation is still to be preserved by British example, and by British valour. In turning to the rest of the peninsula, and considering the situation of Spain, we certainly have to lament that her struggles for freedom and independence have not been attended with equal success, as the efforts of Portugal; but it is a sincere satisfaction to think, that her ardour is not damped, as by the accounts received from Catalonia, and other provinces, there is every reason to believe there still exists in the country a most decided hatred, and determined animosity to their French oppressors. But, Sir, it must be so, for the French have kindled a flame in Spain, which they never can extinguish; they have raised up a spirit against themselves, which they never can subdue; and whatever may be the opinion of hon. members with regard to the policy of the Spanish cause; whatever may be the general sentiment on the subject, it always must be a proud sensation to the hearts of the British people, that Spain, goaded by insults, assailed by treachery, and almost overcome by power, found, in the arms of the British nation, a champion for her freedom, an avenger for her insults, and an advocate for her cause. Her armies, it is true, have been repulsed, and still may be again overcome by the better disciplined troops of France; her ardour may for a moment be appalled by the victories of her enemies; but, I trust, there cannot be found any man able to persuade the British nation, that the Spanish people, formed in the same mould, and sprung from the same stock as those heroes who bled at Saragossa and Gerona, can be traitors to that sacred cause of liberty and independence, which they have so gloriously embraced. But, Sir, we should recollect, that it is not the cause of Spain and Portugal, alone, we are fighting in the peninsula, but the cause of England too. It is not a war merely for the protection of the freedom of the Portuguese; but it is also a contest for the preservation of the liberties of Englishmen. It was the opinion of many of our most enlightened statesmen, that the battles of England should be fought on a distant land; nor will you ever sufficiently know the policy of that sentiment, till you have felt the horrors of a contest at home. In Ireland, unfortunately, we have felt them: we speak from experience, and our opinion is positive.

The next circumstance which claims the attention of the House is, with regard to the late gallant achievement in India; we cannot but give every praise to the governor-general, lord Minto, for having so ably planned that expedition, which has been so gallantly executed by sir Samuel Auchmuty, and the army under his command. I am aware there may be a difference of opinion, as to the advantages likely to arise from this capture to Great Britain, but I should conceive there can be no difference of opinion in thinking, that the French nation should not be the possessors of Java. It is a proud feeling to us all, that, notwithstanding the wrecks of ancient governments and ancient systems, by which we are surrounded—notwithstanding the threats of Buonaparté, or his vain boasts of ships, commerce, and colonies, his Royal Highness is able to declare to his parliament this day, to use his own words, 'by the conquest of Java, the colonial powers of France are extinguished in every part of the world.'

With regard to America, it must be with great satisfaction we learn, that the differences which existed between the two nations, concerning the affair of the Chesapeake, have been amicably adjusted; and let me humbly hope, that this adjustment may be the forerunner of an ultimate arrangement for that permanent friendship between the two nations, which must equally redound to the benefit of America, as it will to the advantage of Great Britain.

Having, in a very cursory manner, attempted to allude to some of our foreign affairs, I feel extremely anxious to call the attention of the House to a subject, which directly interests us more than any I have yet ventured to submit, I mean with regard to the internal condition of the empire. Notwithstanding the effects of the war, the wealth of England never was more visible than at the present time; notwithstanding the heavy burthens necessarily imposed upon the people, we find them submitting with cheerfulness in support of that constitution, under which they have experienced the very essence of liberty and freedom. With regard to Ire-

Digitized by Google

land, I cannot but congratulate the House on the internal tranquillity of the country, especially as much has been said about some threatened disturbances in the county of Down, and I feel happy in being able to state, that by the zeal of the magistrates, by the interference and advice of a numerous resident gentry, all apprehensions, however slight they might have been, have completely subsided. I feel I have trespassed longer upon the House than I am entitled. There is but one more observation I must beg leave to offer, touching the nature of the Address I am about to propose. It is so framed and constructed, to prevent any objections, that I trust it will meet with the unanimous adoption of the House. Unanimity, at all times, is a most desirable object, but especially in times like these, when we are engaged in a struggle which requires the united efforts of the whole nation to assist—when we are engaged in a contest, not for power, not for ambition, but for our independence as a nation, our existence as a free people. We have an enemy to contend with, whose resources are great, and who would sacrifice every object in the world to attain the destruction of Great Britain. Amongst ourselves, partial bankruptcies and individual inconveniences must be felt—they are the natural consequences of a long, an expensive, and a necessary war; but 'Justum bellum quibus necessarium, et pia arma quibus, nulla nisi in armis relinquitur spes.'—The noble lord concluded with moving,

"That an humble Address be presented to his royal highness the Prince Regent, to thank his Royal Highness for the gracious Speech which he has directed to be delivered by the lords commissioners:

"To assure his Royal Highness, that we deeply participate in the sorrow felt by his Royal Highness upon the continuance of his Majesty's lamented indisposition, and the unhappy disappointment of those hopes of his Majesty's early recovery, which had been cherished by the dutiful affection of his family, and the loyal attachment of his people:

"To return his Royal Highness our humble thanks for having been graciously pleased to direct copies of the last reports of her majesty the Queen's council to be laid before us; and to assure his Royal Highness, that we will adopt such measures as the present melancholy exigency may appear to require; and that, in securing a suitable and ample provision for the support of his Majesty's royal dignity, and for the attendance upon his Majesty's sacred person, during his illness, we will not fail to bear in mind the indispensable duty of continuing to preserve for his Majesty the facility of resuming the personal exercise of his royal authority, in the happy event of his recovery, so earnestly desired by the wishes and prayers of his family and his subjects:

"Humbly to express our satisfaction in learning that the measures which have been pursued for the defence and security of the kingdom of Portugal have proved completely effectual, and that, on the several occasions in which the British or Portuguese troops have been engaged with the enemy, the reputation already acquired by them has been fully maintained:

"To offer our humble congratulations to his Royal Highness on the successful and brilliant enterprize which terminated in the surprize in Spanish Estremadura of a French corps by a detachment of the allied army under lieutenant-general Hill, so highly creditable to that distinguished officer, and to the troops under his command:

"Humbly to assure his Royal Highness, that, while we reflect with pride and satisfaction, on the conduct of his Majesty's troops, and of the allies, in these various and important services, we concur with his Royal Highness in rendering justice to the consummate judgment and skill displayed by general lord viscount Wellington in the direction of the campaign:

"That we rejoice to find, that in Spain the spirit of the people remains unsubdued, and that a system of warfare, peculiarly adapted to the actual condition of the Spanish nation, has been recently extended and improved, under the advantages which result from the operations of the allied armies on the frontier, and from the countenance and assistance of his Majesty's navy on the coast:

"That, although the great exertions of the enemy have, in some quarters, been attended with success, we cordially concur with his Royal Highness in admiring the perseverance and gallantry manifested by the Spanish armies; and have received, with pleasure, the information that, even in those provinces, principally occupied by the French forces, new energy has arisen among the people, and the increase of difficulty and danger has produced more connected efforts of general resistance:

"To assure his Royal Highness, that we

Digitized by Google

will not fail to continue to afford the most effectual aid and assistance in support of the contest which the brave nations of the peninsula still maintain with such unabated zeal and resolution:

"To offer his Royal Highness our hearty congratulations on the success of the British arms in the island of Java; and to assure his Royal Highness of our concurrence in his approbation of the wisdom and ability with which this enterprize, as well as the capture of the islands of Bourbon and Mauritius, has been conducted under the immediate direction of the governor-general of India; and that we agree with his Royal Highness in applauding the decision, gallantry, and spirit conspicuously displayed in the late operations of the brave army under the command of that distinguished officer, lieutenant-general sir Samuel Auchmuty, so powerfully and ably supported by his Majesty's naval forces:

"To express the pleasure which we derive from considering that, by the completion of this system of operations, great additional security will have been given to the British commerce and possessions in the East Indies, and the colonial power of France will have been entirely extinguished:

"That we will not fail to take into our consideration the propriety of providing such measures for the future government of the British possessions in India, as shall appear from experience, and upon mature deliberation, to be calculated to secure their internal prosperity, and to derive from those flourishing dominions the utmost degree of advantage to the commerce and revenue of the United Kingdom:

"To convey our humble thanks to his Royal Highness, for the information, that while his Royal Highness regrets that various important subjects of difference with the government of the United States of America still remain unadjusted, the difficulties which the affair of the Chesapeake frigate had occasioned, have been finally removed; and to express our gratitude to his Royal Highness for his gracious assurance that, in the further progress of the discussions with the United States, his Royal Highness will continue to employ such means of conciliation as may be consistent with the honour and dignity of his Majesty's crown, and with the due maintenance of the maritime and commercial rights and interests of the British empire:

"To return our humble thanks to his Royal Highness for having directed the estimates for the service of the current year to be laid before us, and to assure his Royal Highness that we will cheerfully furnish him with such supplies as may be necessary to enable him to continue the contest in which his Majesty is engaged, with that spirit and exertion which will afford the best prospect of its successful termination:

"To assure his Royal Highness of our readiness to resume the consideration of the state of the finances of Ireland, and to express our satisfaction in learning that the improved receipt of the revenue of Ireland, in the last as compared with the preceding year, affords reason to believe that the depression which that revenue had experienced is to be attributed to accidental and temporary causes:

"To assure his Royal Highness, that this House is fully impressed with the sense of the arduous duties which his Royal Highness has been called upon to fulfil, in consequence of his Majesty's continued indisposition; and, whilst we offer our most humble acknowledgements to his Royal Highness for the confidence which he is graciously pleased to repose in us, to convey to him our warmest assurance, that in every difficulty his Royal Highness may rely on the ready assistance and support of this House; and finally, to express our confident persuasion that the wisdom and energy of his Royal Highness will enable him, under the blessing of divine Providence, successfully to discharge the functions of his high office, and, in the name and on the behalf of our beloved sovereign, to maintain unimpaired the honour of his Majesty's crown and the prosperity of his people."

Mr. *Vyse* seconded the Amendment: in doing which, he said he would not trespass at any length upon the time of the House, nor travel from the Speech into any extraneous matter. He was sensible of his own inability, and that no arguments in his power to urge could have any great weight on their decision; but he trusted, that any errors of which he might be guilty, would be rather imputed to this cause, than to any want of zeal for the welfare of the country. The hon. gent. then took a view of the nature of the Prince Regent's office, as holding the executive power in behalf of his father, in whom the dignity of royalty continued to rest; and passed a high eulogy on the

Digitized by Google

conduct of the prince of Wales in this capacity, which would long be remembered by a generous nation, filled with gratitude for the sovereign, who for so long a period had swayed them with a paternal sceptre. With regard to the provision to be made for his Majesty in retirement from the cares of state, every one must unite with him in thinking that it ought to be accompanied with every honour, respect, and circumstance of royalty; and however he might agree with the hon. baronet, as to the necessity of economy in the expenditure of the public purse, it never could be the desire of a noble minded people to make a parsimonious and niggardly saving out of the comforts of an aged monarch, so much and so deservedly beloved.—That monarch, as had been excellently said in the speech by his Son, ought to have the resumption of his powers open to him and secured, if ever it should please heaven to restore him to the prayers of his subjects. The hon. gent. warmly commended what had been done in this respect, as a precedent which would go down for the guidance of posterity, in the event of any like calamity ever occurring hereafter.—The next topic touched on in the Speech was that connected with Portugal, and, in this, the fact spoke for itself. The exertions of Great Britain had not only achieved the freedom of an ancient ally, but had secured her independence, and guarded her against the invasion of her enemies. This point would never bear the construction put upon it by the hon. baronet; for we were fighting for no despots or despotism, and if we had boldly stood up the champions of the liberties of Europe, the glory, of which nothing could rob us, was entirely our own. Portugal might ultimately be overwhelmed by the power of the tyrant, who could embattle too much of Europe in order to carry his ambitious designs into effect; but, even were this to happen, the ministers of Great Britain would enjoy the consolation of having acted a part in the contest, in conformity with the wishes of the people of England, in a manner worthy the character of a great nation, rising gloriously in the cause of the civilised world. But he entertained no such gloomy apprehensions; and as the spirit of a people was their strength, he relied on the spirit of Portugal to rescue itself from foreign slavery and domination.—The next point in the Speech related to Spain; and in this, too, he was of opinion there were well-grounded causes for congratulation. After all the destruction and desolation of its invaders; after all the horrors acted by the armies of the tyrant; they only possessed the ground on which they stood. When they ventured to come in contact with the armies of Britain, defeat and disaster were their lot; defeat, from those very troops so described by the hon. baronet—those flogged soldiers, and those foreign mercenaries who gave him so much offence. For his part, he considered them as men expatriated from their country by tyranny and injustice; and every dispatch from the seat of war, in which they were mentioned, shewed that they were worthy of the nation they had adopted.—The next topic in the speech was the conquest of Java, on which he gladly joined in the general congratulation. It was, indeed, an object of heartfelt pleasure to every Briton to see the insatiate enemy of her greatness dispossessed of his last colonial settlement, and not a vestage of his boasted "ships, colonies, and commerce" remaining.—With respect to America, he also had great delight in observing from the Speech, that though an arrangement entirely and completely satisfactory had not yet taken place between the countries, yet that a happy disposition prevailed. The tone and manner of the Speech shewed, that conciliation was most desired by the British government, and from this spirit he indulged a hope of the happiest and most favourable termination to all existing differences. But whatever the result might be, it was evident, that, on our part, nothing had been left undone, that could lead to harmony and friendship. Peace with America, and not only with America, but with all the world, must undoubtedly be the wish of every rational mind; and, if we were engaged in a war, it ought to be remembered that it was a war of necessity. It was a war against an inveterate tyrant, whose power arose from usurped dominion, maintained by predatory invasion and bitter despotism. However success might throw a lustre over him, for the present, history would present him in his true colours, a monster of unbounded rapacity, without his mind being ennobled by one dignified, heroic, or virtuous sentiment. Was it too sanguine in him, then, to express a hope, that a dominion so established and supported, would not be of long continuance, and that, ultimately, the exertions of Great Britain, in the common

Digitized by Google

cause of nations, would be crowned with success, and the world restored to tranquillity? It was this hope, and the consideration that our pressures were unavoidable, that should teach us, however great our difficulties were, to meet them with firmness, constancy, and fortitude; and in order to prove our resolution in this respect, he begged most earnestly to recommend an unanimous assurance to his royal highness the Prince Regent, of the readiness of parliament to second every object contained in the excellent and constitutional Speech which he had this day delivered to them, through the medium of the Lords Commissioners.—The hon. gent. concluded with thanking the House for the kind attention with which they had honoured him, and seconding the Amendment moved by lord Jocelyn, with which he entirely coincided.

The *Speaker* put the question, and the gallery was ordered to be cleared for a division, when

Mr. *Whitbread* rose, and said, as he observed the hon. baronet was determined to press the question to a division, he would briefly state why, concurring with him as he did, on many of the points connected with the present calamitous state of the country, he could not give his vote in favour of the Address he had proposed. He could not give him his vote, because, though he did concur in many of these points, there were others on which he could not agree. There were, indeed, many topics introduced, which might better have been withheld for future opportunities, and others which involved the character of individuals, on which he was not competent as yet to make up his judgment. But, as on the one hand, he could not go with the hon. baronet, so neither on the other hand could he accede to the Amendment of the noble lord, which also went to carry him much further than he had as yet seen reason for proceeding.

The *Attorney General* said, he was not present when the hon. baronet made his speech; but he had heard the Address read, and in it there were particular words which impelled him to offer to the House a few observations. The whole of that Address he certainly reprobated; but the particular words to which he alluded, were those which went to stigmatize the character of a learned judge, and were, in substance, that that learned judge, in his eagerness to convict, had anticipated a verdict of Guilty on the trial of Mr. White. He would take upon himself to say, that this statement of the hon. baronet, with respect to lord Ellenborough, was wholly unfounded. It was well known, that no man could discharge the duties of his high station with more liberal justice than that learned lord; and as to the trial which was particularly adduced, he would venture to say, that no defence could be heard more patiently than that which Mr. White thought proper to make, irregular as it was in many of its points. Mr. White made many objections on the legality of what was urged against him: those objections he argued by his counsel, but he did not commit his defence to his legal assistant. Both his counsel and himself were heard with singular forbearance: their objections were heard over and over again; and he was confident, that during the whole of the trial not one word fell from the noble lord which could in the slightest manner justify the assertion, that he was so eager for a conviction as to anticipate the verdict. Indeed, he was at a loss to conceive what part it was of the language of the noble lord on that occasion, which gave rise to the severe comment of the hon. baronet.

Sir *F. Burdett*, in explanation, said, that what he founded his assertion upon, was that part of lord Ellenborough's language to Mr. White, where his lordship advised that gentleman to reserve his evidence until he should be brought up for judgment.

The *Attorney General*. It is evident, from the explanation of the hon. baronet himself, that lord Ellenborough acted even a humane part. It is plain, that lord Ellenborough only advised Mr. White to reserve his evidence for affidavits, in mitigation of punishment: which, though they would not serve him as evidence on the trial, might be advantageous to him should he be brought up for judgment.

Sir *F. Burdett* replied, that he did not think the noble lord much benefitted by this triumphant explanation of the right hon. gentleman. One thing was certain, that the remark of the judge was made before the evidence was heard in defence of Mr. White.

Mr. *Ponsonby* observed, that he felt himself in the same predicament as his hon. friend (Mr. Whitbread): he could neither vote for the original Address nor the Amendment, but should think it his duty to vote against both. He would state, in a very few words, his objections

Digitized by Google

to the Amendment; but as to the original Address, he would be silent, because he did not think the matter of it proper to be discussed at this particular moment. It travelled wide of the topics in the Speech delivered in the name of the Prince Regent; and the Amendment which embraced those topics, was what he felt himself obliged to remark upon. The first topic of the Amendment was that which related to the establishment of a provision for the care and comfort of his Majesty's royal person: and though no person was more inclined than he was to go farther in every thing which ought to be done in furtherance of this almost sacred object, yet he would reserve a right of assent or dissent for that time when the arrangements to be proposed should be laid in detail before the House.—The second topic of the Address was that which related to Spain and Portugal. No person was more inclined than he to give a cordial tribute of applause to the troops and generals employed in the prosecution of the war in those countries; but he could not go so far as to pledge himself by his vote that night, to sanction the granting of those supplies which might be proposed hereafter as necessary for its continuance. That our army had behaved with extraordinary bravery, he would willingly agree to; he was even sure that the honour of the country never was better supported by any other army: but though no one doubted this, yet doubts might be entertained of the expediency of proceeding in this great contest at the vast expence which it continued to cost us. It was certainly true, that in our smaller enterprizes we were highly successful; but, in our greater ones, it was equally true, that we were eminently unfortunate. If it should appear hereafter, that to prosecute the war, even at so vast an expence, was a wise system of conduct; and if he should see the necessity and the usefulness of granting such enormous supplies, then he would not only agree to them, but would give his vote with that cheerfulness which always followed conviction.—The next important part of the Amendment, and it was, if possible, superior in importance to our connection with Spain and Portugal, was that paragraph which alluded to our relations with America. He heard with great satisfaction that part of the Speech which stated the amicable settlement of the affair between the Leopard and the Chesapeake; and he was pleased also to know that a hope was expressed of a like final adjustment of all the differences between this country and the United States. It was his wish, therefore, to abstain from any discussion which might not be in unison with the temper of the Speech; and he would reserve whatever he had to say on this subject, until the event of the negociations which were said to be now pending should be made known.—The last, and by far the most important topic of the Speech, was that which related to the affairs of Ireland. Ireland was of more moment to Great Britain, than any thing which regarded our external relations with Spain or the United States; and sorry was he, that, on this subject of primary and vital importance, the Speech had confined itself to a paltry mention of the state of its revenue. It was, to be sure, satisfactory to hear that the finances of Ireland were in an improving state; but was it not infinitely more important to enquire into the state of the people from whom that revenue was drawn? If it was right to cultivate the financial resources of Ireland, was it not of far greater consequence to attempt to secure the affections of its people? to endeavour to strengthen the British empire by establishing harmony in all its parts? He confessed, that the present time was most unfit for entering into the discussion of the question of Ireland; and particularly so, as he understood that the right hon. gentleman, the secretary for Ireland (Mr. W. Pole), could not attend in his place on account of illness. He would not wish to press the business of Ireland to a premature discussion, in the absence of that right hon. gentleman; but it was his firm conviction, that a solemn and speedy inquiry into the state of that country was absolutely necessary. When he stated generally the necessity of inquiring into the state of Ireland, he begged not to be understood as even hinting that any other measure short of that great one called Emancipation could effectually save that country. It was that, and that alone, which could compose her discontents, and lay the foundation of her prosperity, as well as render the empire in general what it was capable of being. Under this conviction, he thought that no time ought to be lost in bringing the affairs of Ireland before the House; and, indeed, he knew that no time would be lost, as an hon. friend of his was determined to give notice of a motion for that purpose on a very near day.

Digitized by Google

The *Chancellor of the Exchequer* said, he had hoped that the mode pursued by an hon. gent. in stating his reasons for not agreeing with the Amendment, would have been generally adopted, and all discussion thereby prevented. But as something had fallen from the right hon. gent. who had last addressed them, which might probably give rise to some observation, he thought it necessary just to say a few words on those subjects which he had touched upon. If, however, the debate should extend to any length, and he had no means of judging that it would not, he hoped the privilege would be granted him of remarking on any subjects which might be started. As to the first point on which the right hon. gent. had observed, he felt it proper to state, that, by the terms of the Amendment, the House would be pledged to nothing more than an opinion, that, under the circumstances of his Majesty's present indisposition, it was right that an arrangement for his convenience and comfort should be made. But, as to the extent and mode of that arrangement, it must be the subject of future consideration, when the proposition was regularly made. The same observation would apply to the second point. In voting for the Amendment, couched in its present language, nothing else could be supposed, than that the House would give such supplies to carry on the great contest in Spain and Portugal, as they should think fit, when the subject was brought fully before them. In what manner that contest was to be maintained and supported, to what extent supplies should be granted, and in what direction they should be particularly applied, were questions which would be open to the animadversion of every gentleman in that House, as completely as if he had not voted for the Amendment. He agreed with the remark which the right hon. gent. had made on the subject of the American negociations. It certainly was not desireable that any discussion should take place on that topic, while the business was still pending, as stated in the Speech they had recently heard read—still, however, it would unquestionably be competent for any hon. member, at a future time, to introduce whatever observations he thought proper, on the state of the relations between the two countries.—The right hon. gent. complained, that the Speech had not taken any notice of the affairs of Ireland, farther than the statement of an improved revenue in the present year, compared with that which had passed. Now, it appeared to him, that the right hon. gent. had himself, by his own admission, given strong evidence of the propriety of abstaining from any specific and particular statement relative to the situation of Ireland; for having, in the first instance, mentioned it as a blameable omission, in the very next sentence, he observed, that he would not then go at large into the subject, as he conceived it would not be right, when the Speech, Address, and Amendment, were before the House. Surely, if the right hon. gent. was of that opinion, he might have thought that those whose duty it was to frame the Speech, would feel the propriety of excluding from it, as premature, at the present period, the subject to which he had alluded. Surely, if he now considered such a discussion unadvisable, he might also believe, that it would not have been right for the officers of the crown to press the subject in such a manner on the House, as would, in all probability, have provoked that debate he had deprecated. It must be evident to every impartial man, that it would be peculiarly improper to bring forward the state of Ireland at present; to force it, as it were, upon the attention of parliament, when the great question which agitated that country was on the point of undergoing legal discussion.—He hoped these few observations would be looked upon as a full answer to what the right hon. gent. had said. As to the notice which he had given, it undoubtedly was competent for every gentleman to bring forward, for the consideration of the House, any subject which he thought fit; but he trusted, that, on so important a topic, such a fair and liberal notice would be given, as to insure the attendance of the right hon. gent. to whom he had alluded. In the present situation of the debate, he did not feel it necessary to say more. He would only state, that it had been the anxious wish of the noble lord who moved, and of the hon. gent. who seconded, the Amendment, so to form the Address, that no pledge should be required or given by it, except that the cause of Spain, constituted as it now was, should not be abandoned. But, as he had before observed, how that cause was to be supported, what supplies were to be granted, and in what manner those aids were to be applied, were points left open for future discussion. He hoped, by surveying and treating the Speech in that manner, he had removed the objections which

Digitized by Google

the right hon. gent. had stated against voting for the Amendment.

Mr. *Ponsonby*, in explanation, said, the right hon. gent. seemed, from the observations he had made, to have misunderstood what had fallen from him on the manner in which Ireland was mentioned in the Speech and in the Amendment, which of course was originally intended for the Address. He (Mr. Ponsonby) had observed, that the Speech and the Address of the noble lord were entirely silent as to any recommendation to parliament to inquire into the general state of Ireland. This he conceived blameable. Such mention might, however, have been made, without then going into the subject; for a discussion on the situation of Ireland, on the present occasion, would, in his opinion, be wrong. But the right hon. gent. having entirely forborne to recommend to the House the consideration of the state of Ireland, he thought it absolutely necessary that the subject should be brought before them; and at an early day an hon. friend of his would press it on their attention.

Colonel *Dillon* said, that, with respect to the war in the peninsula, so far from objecting to those supplies which had been granted, he was willing to pledge himself to any future support which the exigencies of the cause might demand. But he disapproved of the Address of the noble lord, on account of a proper mention of the state of Ireland being omitted.

The question being now loudly called for, strangers were ordered to withdraw. The House then divided on sir F. Burdett's Address, when there appeared

For it..... 1
Against it.....238
Majority .....——237

The Amendment of lord Jocelyn was then put and carried without a division.

List of the Minority.

Cuthbert, J. B.
TELLERS.
Burdett, Sir F.
Cochrane, Lord

HOUSE OF COMMONS.

Wednesday, January 8.

DECLARATIONS OF THE QUEEN'S COUNCIL RESPECTING THE KING'S HEALTH.] Mr. Secretary Ryder presented, by command of the Prince Regent, the following Declarations:

DECLARATION of the Members of her Majesty's Council; respecting the state of his Majesty's health:—Dated Oct. 5th, 1811.

Windsor, Oct. 5th, 1811.

"We the underwritten, members of the council appointed to assist her Majesty in the execution of the trusts committed to her Majesty, by virtue of the statute passed in the 51st year of his Majesty's reign, intituled, 'An act to provide for the administration of the royal authority, and 'for the care of his Majesty's royal person, during the continuance of his Majesty's illness, and for the resumption of 'the exercise of the royal authority by his 'Majesty;' Having duly met together, this 5th day of October 1811, at the Queen's Lodge near to Windsor Castle; and having called before us, and examined upon oath the physicians, and other persons attendant upon his Majesty, and having ascertained the state of his Majesty's health by all such other ways and means, as appeared to us to be necessary for that purpose,—Do hereby declare and certify, that the state of his Majesty's health, at the time of this our meeting, is not such, as to enable his Majesty to resume the personal exercise of his royal authority.

"That his Majesty's bodily health does not appear to us to be essentially altered since the date of our last report.

"That his Majesty's mental health appears to us to be materially worse than it was at the time of our last report: Upon the grounds of the protraction of the disorder, the present state of it, the duration of accessions of the disorder, and the peculiar character which the disorder now assumes, his Majesty's recovery is represented as improbable by one of the physicians, and as very improbable by all the other physicians in attendance upon his Majesty.

"Adverting on the other hand to the state of his Majesty's faculties and powers of mind, his memory and perception, the remaining vigour of his constitution, and bodily health, some of the medical persons in attendance represent that they do not despair, and others that they do not entirely despair of his Majesty's recovery.

(Signed) C. CANTUAR'.
E. EBOR'.
MONTROSE.
WINCHILSEA.
AYLESFORD.
ELDON.
ELLENBOROUGH.

Digitized by Google

DECLARATION of the Members of her Majesty's Council; respecting the state of his Majesty's health:—Dated 4th and 5th January, 1812.

"We the underwritten, members of the council appointed to assist her Majesty in the execution of the trusts committed to her Majesty, by virtue of the statute passed in the 51st year of his Majesty's reign, intituled, 'An act to provide for the administration of the royal authority, and 'for the care of his Majesty's royal person, during the continuance of his Majesty's illness, and for the resumption of 'the exercise of the royal authority by his 'Majesty;' Having duly met together, on this 4th day of January 1812, at the Queen's lodge near to Windsor Castle; and having called before us, and examined upon oath the physicians, and other persons attendant upon his Majesty, and having ascertained the state of his Majesty's health by all such ways and means, as appeared to us to be necessary for that purpose,—Do hereby declare and certify, That the state of his Majesty's health, at the time of this our meeting, is not such, as to enable his Majesty to resume the personal exercise of his royal authority.

"That his Majesty's bodily health appears to us to be as good as at any of the periods of our former reports.

"That his Majesty's mental health appears to us not to be worse than at the period of our last report.

"That all the physicians attending his Majesty agree in stating, that they think his Majesty's complete and final recovery improbable; differing however as to the degree of such improbability; some of them expressing themselves as not despairing, others as not entirely despairing; and one of them representing, that he cannot help despairing of such recovery.

(Signed) C. CANTUAR'.
E. EBOR'.
MONTROSE.
WINCHILSEA.
AYLESFORD.
ELDON.
ELLENBOROUGH.
W. GRANT.

"Shortly after the above report had been read in the presence of all the physicians, and one of the members of the council had left Windsor, the physician alluded to, in the last clause of the report, stated in writing to the other members of the council then remaining at Windsor, 'That he had unguardedly made use of an 'expression, which he was apprehensive 'might carry a meaning far beyond what 'he intended to express; and requested to 'be allowed to correct it; and assured the 'council, that whilst he thought the final 'recovery of his Majesty very improba'ble, he by no means despaired of it.'

"The members of the council to whom the above statement was made (having sworn the physician alluded to, to the truth thereof) afterwards communicated the same to the whole council, assembled this 5th day of January; who have deemed it right to subjoin this fact to the above declaration.

(Signed) C. CANTUAR'.
E. EBOR'.
MONTROSE.
St. James's Square, WINCHILSEA.
Jan. 5th, 1812. AYLESFORD.
ELDON.
ELLENBOROUGH.
W. GRANT."

THE LORDS' COMMISSIONERS SPEECH.] Lord Jocelyn appeared at the bar with the Report of the Committee on the Address. On the question that the Report be brought up,

Mr. *Whitbread* said, that he should avail himself of that opportunity to declare those sentiments which a particular and unexpected occurrence of yesterday had prevented, and should state his reasons to the House for not agreeing to the Address. In the early part of it, which spoke of his Majesty's situation in a manner they must all feel to be applicable, he perfectly concurred; but there were other parts which, consistently with his duty as a member of parliament, he felt it incumbent on him to oppose. Indeed, the only exception he felt himself bound to make, in addition to the one already stated, was in favour of the congratulation on the conduct and bravery of his Majesty's troops, especially in the action under general Hill. He must also be disposed to acknowledge the merits of lord Wellington, who, if he had lately done nothing to advance, might at least be said to have done nothing that could derogate from a fame which might rank among the greatest of antient or of modern times. But knowing the disposition of the country towards the cause in which they were embarked; knowing that no effort which ministers could make, was left unmade; knowing that no voice, from one end of the kingdom to the other,

Digitized by Google

cryed out against supplying, and supplying in abundance, the means which were necessary for such a purpose; and seeing those means entrusted to one of the best officers of his nation, an officer capable of coping with the best generals of France—seeing this, and then looking to the present state of the peninsula, he could not agree to hold out to the Prince Regent and to the country, a language which his experience must tell him it was rash to use, and calculated to excite hopes which must in the end be defeated. It was impossible for any imagination to picture how greater efforts could be made, or put into hands more capable of turning them to the best advantage than those entrusted to lord Wellington for the defence of the peninsula. But, what was the consequence of all this? we were told that the danger of Spain was not increased; that her difficulties only inspired her to more connected efforts; we were led to believe by the Speech which was put into the mouth of the Prince Regent, that the cause was still prosperous after the French had obtained repeated successes, and were in military possession of Spain. This language was held forward when we knew that the cause had suffered, that Valencia was not likely to struggle long, that Saguntum was taken, that Badajos had fallen, and that the attempt on Ciudad Rodrigo had been abortive; when we saw that what was called the possession of Portugal by lord Wellington had ended in a retreat, that after having pursued Massena to the frontier, he was now obliged to fall back, and to confess that he had not numbers sufficient to justify the hazard of a battle. Under such circumstances was this language used, and under such circumstances he felt himself called upon to resist it. For his part, he did not see what hope could be entertained. The more he allowed the merits of the cause; the more he allowed the zeal of the invaded; the more he allowed that the whole heart of England went along with them in their resistance; the more he allowed the abilities of lord Wellington and the valour and discipline of British soldiers; the more was he inclined to despond, to despair of success, on looking to the result of all these favourable combinations. When he was called upon to say that he would give his support to this war, not only to the extent, but even beyond the extent to which it had heretofore been given, and that without inquiry or explanation, he must hesitate and refuse. If, indeed, they were to pledge themselves to the maintenance of the present system, there were circumstances which should accompany the request in order to justify the pledge. He should like, for instance, to have stated to the House the opinions of those who were most qualified to decide upon the subject; he should be glad to know what lord Wellington himself thought as to the final issue of the contest: perhaps under the sanction of such an authority he might agree; but without that, without any thing, without even a sanguine tone in the Speech of the Prince Regent, he could not reconcile himself to such a vote.—He would also be glad to know what was the situation of Spain with respect to her colonies; he knew that through all the continent of America they were in a state of insurrection against the mother country. He was aware that our government had sent out persons to mediate between them, but he wished to know whether that mediation was accepted by the government of Cadiz, whether it had begun to act, and what progress it had made? He should also be glad to know, as he was on the subject of our foreign relations, what had become of certain diplomatic persons—why Mr. Liston and sir Robert Wilson were now in London? For what reason they had not proceeded to their destinations? and whether there was any hope that the objects of their appointment would be accomplished or attempted. —There was another question to which he would wish to have an answer. He desired to be informed upon the state of our army—our whole army on the peninsula; whether it was in a flourishing condition? whether the ranks were full? whether they would be kept up? and whether they were capable of making an effort?—Upon all these points he required information, and he thought the House should deliberate on them cautiously before they committed themselves to the full extent required by the Address.—There was another topic on which he could not agree, because it held out a delusion to the Prince Regent, by applying the expression conciliatory measures to our past negociations with America. He could not speak of the same conciliatory measures which were before adopted, when he did not believe that conciliatory measures were adopted before. He had stated in the course of last session, his opinion of the neglect with which the American minister was treated by a mi-

Digitized by Google

nister of this country, the marquis Wellesley. He had moved for papers calculated to throw a light upon that subject, but the minister and the House had refused them. Instead of a spirit of conciliation, the measures of our ministers towards America appeared to him to have been conceived in the spirit of commercial subjugation. When those measures were first proposed, they were denounced by many, as calculated to plunge us into a war, but no change was made in the system after four years experience of its mischiefs. On the contrary, resort was had to the basest subterfuge, and, up to this moment, it was pertinaciously persisted in, when America was about to put herself in a situation to ally with France and oppose our obstinacy by a war. If a minister at the head of the foreign department had observed a contumelious silence; if, when demands were complied with, no answer was returned; if, when a fact was stated, a flat denial was given to that fact; if a minister was sent out to make demands which America would not concede to, could he call that the spirit of conciliation? If so, a spirit of conciliation had certainly governed our councils! America had published the papers that had passed between Mr. Foster and Mr. Monroe. Did they disclose such a spirit? The fact was, that we had acted in a spirit, and upon principles, which any government that adopted must reckon upon never being at peace. It was said that the Berlin and Milan Decrees were not repealed, but America was satisfied that they were. (Hear, hear! from the ministerial benches). She, he would repeat, was satisfied that they were; but she, it seems, must borrow wisdom from the minister of Great Britain; she must call in the assistance of that minister who had brought such blessings on his own country, and such disaster upon its enemies; of that minister who had endeavoured to withhold bark from the French hospitals, and who had made a desart of the Exchange: she must borrow wisdom from him! Such was the confidence which ministers had in the system they had pursued with respect to that country, that he had no doubt, if a motion was this moment made for papers, they would be refused. It was certainly a matter of congratulation that the difference about the Chesapeake was adjusted; if that was the only difference, the circumstance had been happy indeed; but when he saw that, on the remaining subjects, nothing less than war could be anticipated, he must withhold the compliment required to the past conduct of the government.—There was also in the Address a great want of an explicit declaration as to what was intended towards the East India company. It was impossible for him to conclude without noticing an observation which had fallen from the noble lord (lord Jocelyn) on the former night; he should at all times feel himself bound to notice, in order to express his abhorrence of such maxims. He understood the noble lord to have stated, that it was impossible to make peace with France in consequence of the personal character of her emperor. He (Mr. W.) did not recollect, in all the details of history, one instance in which the private character of the ruler was advanced as a reason for denying peace to the people of a country; he saw no reason for not making peace with him in whose hands the destinies of France were placed at present, any more than with the Bourbons when they presided: and the contrary opinion was always to be discountenanced, as it must lead to eternal war; or rather to a war which could only end in the extinction of either power. It might, he thought, be foreseen, which must fall, in a contest of that description, when it was considered that the greatness of one nation was artificial, while the greatness of the other, such as it was, was natural; but things need not come to that pass; they would not; and, as the present ruler of the destinies of France was likely to live long upon the earth, we must negociate with him whenever an opportunity presented itself. He should now conclude with saying, in answer to the declaration of the noble lord, that Buonaparté had been baffled in his maritime speculations, would to God that France had ships, and commerce, and colonies, for then we should have peace; but until then, the probabilities were against it.

Lord *Jocelyn*, in explanation, denied having made any declaration against a peace with Buonaparté.

Mr. *Whitbread* said, he thought he had heard such an expression fall from him; but as the noble lord must have recollected what he said better than he could, he was satisfied that he was mistaken in the opinion.

The *Chancellor of the Exchequer* said he confessed that the concluding sentence of the hon. gentleman's speech had furnished him with a clue to his objections against

Digitized by Google

the system pursued by his majesty's government, for if, indeed, he was anxious that Buonaparté should have ships; if, indeed, he was anxious that he should have colonies and commerce, it could hardly be expected that he should approve of the system upon which his majesty's government had acted, or of those endeavours which were intended and calculated to deprive him of all. But as he (the Chancellor of the Exchequer) would rather follow the hon. gentleman's speech through the series of topics it contained with as much regularity as possible, he should leave the conclusion for the present, and commence with noticing the conceptions of the hon. gent. with regard to the affairs of Spain and Portugal, and the characters of hopelessness and desperation in which he had described the war. And here he would wish to bring back to the recollection of the House, the state in which the war stood at the beginning of the last session: he would wish to bring back to their recollection the opinions and fears and prophecies of the hon. gent. and to entreat them to contrast the prospect he then drew with the reality of the present scene; they would find, on such a comparison, that his fears were unfounded, that his expectations were falsified, that his prophecies were erroneous; and yet the hon. gent. was prepared upon the same grounds of apprehension, namely, the boasts of Buonaparté, to repeat his prophecies—

"Destroy the web of prophecy in vain,
The creature's at his dirty work again."

(A laugh.) After such failures, one would rather have thought the hon. gent. would have hesitated in his course, and not have continued to hold, that every thing the enemy vaunted he would do, must be accomplished, or that it was impracticable to put any stop to the career of "this spoilt child of fortune." At the period alluded to, as at the present, the hon. gent. had only re-echoed the language held by the enemy; but there was no saying that they might not again be disappointed. At the commencement of last session, we were to be driven into the sea, and were not to have a foot of ground in Portugal; but, instead of these boasts being accomplished, or the gloomy apprehensions of the hon. gent. realized, we had not only rescued Portugal from the enemy, but maintained her in security against his utmost efforts. Since this had been achieved, indeed, a new light had been discovered, and it was found that it would not have been the right course for the French to drive us into the sea, but that they should first conquer Spain, and leave us to be swallowed up at the last after we had been permitted to waste our strength! Would any man believe this? Would any man believe, that if it had been in the power of the enemy, they would not have driven us from Portugal? Those who held the opinion, that Buonaparté was irresistible, and that it was in vain to oppose his designs, wondered that he did not at once crush this army, which not only acted in every point to the frustration of his design, but remained in opposition to him on the peninsula, to his disappointment, to his vexation, and to his confusion. Would he, if he could have prevented it, even by directing against it solely and entirely the whole of his force, have suffered this? No man could think it. He would have left every thing else to accomplish our expulsion; but his power was not equal to his desire: and the country he ruled, could not furnish him with the means necessary to effect his most anxious purpose. But though this was his opinion, he would not, therefore, with that presumption with which he charged the enemy, say, that though heretofore baffled and defeated, he might not at some future period accomplish that object, in attempting which he had been so severely foiled; but he thought it might fairly be argued from a retrospective view, that we might continue to maintain ourselves in the peninsula, not only to defeat his plans of ambition, but as a standing contrast to the basest villany ever exhibited in the world. (Shouts of hear, hear!) Yes, he maintained, that on all of these points there never was a more striking contrast than that which appeared in the conduct of the French and British Government upon the peninsula; and if the man who caused it had any view to character or ambition, it must be his most earnest care and business, by every method and invention, to keep it not only from the eye of the peninsula but of the world. Under these circumstances, he could by no means agree with the hon. gent. in his view of the subject. On the contrary, when they saw that Buonaparté had not gained, but lost Portugal since the beginning of the last session, they had reason to look forward cheerfully and sanguinely, and to indulge in the hope he had often expressed, and which he saw no reason to depart from, that the enemy had touched the point of his ambition, and would here find for it a

Digitized by Google

grave. But the hon. gent. opposite held other opinions. He deemed Buonaparté invincible; and that all his apparent disasters were only the result of design to conquer Spain, and reserve the British as it were for a bonne bouche. He imagined that Valencia must immediately fall. It might be so, but it had resisted a victorious army for a month since the battle of Murviedro. But even should that city be taken, was the consequence that which the hon. gent. had represented—namely, the military possession of the country? For his part, he might not be able to form an idea so correctly of the term, as those better skilled in military tactics; but that did not appear to him to be military possession of a country, where no convoy could proceed without a numerous escort, a little army to protect it. But it was not the mere conquest of towns that subdued a country; if after Tarragona was sacked—if after the patriots met defeat at Murviedro, the enemy found behind him a greater and more formidable force than that which opposed his progress, it could never be said that he had obtained military possession of the land. On the contrary, such an appearance warranted the language of the Speech, that the spirit of the people remained unsubdued, and that the increase of difficulty and danger had produced more connected efforts of general resistance. It was a remarkable fact, and what most pre-eminently claimed for the Spaniards engaged in resisting the slavery attempted to be imposed on them, the applause of the existing race of men, and the admiration of all posterity, not the manner in which they resisted attack, but that in which they survived defeat. It was this that afforded a source of hope of benefit increasing, and a happy result at last; for it was evident, that with all the successes of the armies of France, no impression had been made on the spirit of the people to resist Buonaparté, and the forces employed to carry his ambitious usurpation into effect. He was therefore bold to assert, that the state of affairs had materially improved since the beginning of last session, when the hon. gent. took a singularly gloomy view of futurity, and that there were at this moment fainter hopes for France, and greater hopes for Spain, than there were last year at this time.—After disposing of his prophecies with respect to the peninsula, the hon. gent. had gone on to put a string of questions. He had asked them, what they had been able to do with all the force they had put in motion?—If they had done nothing more, they had shewn him that he was utterly mistaken in all his apprehensions of defeat and danger, as they had prevented all the mischief and evil results he anticipated. If, indeed, he would only take the trouble of putting himself into the same situation he was in last year, he would be able, at once, to see how much they had accomplished. The hon. gent. also wished to know what was lord Wellington's opinion on the subject of the war. If he had only considered for a moment, he would have been aware of the impossibility of indulging him in this respect, as, whether favourable or otherwise, there was no practicable way of laying the matter before the House. In truth, it would not only be the most impolitic, but the most unjust thing that could be done, to develope the opinions and views of a commander upon a war in which they were engaged; whether anticipating a successful result, or one of a contrary description.—Another of the hon. gentleman's inquiries regarded the situation of Spain and her colonies. On this point, all he could say was, that though the situation was not what could be wished, and there was too much of irritation on both sides, yet ministers had the consolation of knowing that they had endeavoured most ardently to instil a spirit of conciliation, and were employed in an attempt by mediation to bring the mother country and the South American provinces to unite in amity in support of the common cause.—With respect to the diplomatic appointments of sir Robert Wilson and Mr. Liston, a full explanation would lead too much into detail; and he would therefore, on the present occasion, content himself with stating, that circumstances had arisen which rendered it advisable to postpone for a time missions which were originally expected to be productive of considerable effects.—The next question of the hon. gentleman was about the military force employed in the peninsula, and he wished to be informed by what expedient ministers were prepared to replace the waste which he supposed to have taken place. On this point, he had the pleasure and satisfaction to inform the hon. gentleman, that our army in Spain was at this moment 10,000 men stronger than it was last year; and thus the waste, which had not been so great as the hon. gentleman and others imagined, had already been

Digitized by Google

fully supplied.—Another question referred to the state of our relations with America; but he hoped the House would be so indulgent as not to ascribe the indisposition of his Majesty's government to enter into particulars at the present moment, to an inability to make their cause good, and to justify all their actions. It never would be the duty of any government, even for the purpose of vindicating its own conduct, to state the conduct which they experienced. Nothing could be more calculated to widen and inflame those differences which it should be their object to allay. This was not the period for putting the government on its trial for discussing the conduct of England to America and that of France. If the hon. gentleman was, indeed, of opinion, that America adopted nothing but a fair neutrality between France and England, he would leave him in possession of that opinion, rather than endeavour to correct it by any improper disclosure. He would allow that a war with America would be an evil to Great Britain; but he also knew, that such a war would be a greater evil to America. As an evil to America, he was anxious to avert it; he looked upon America as necessary to the prosperity and welfare of Great Britain, and would be sorry to see her impoverished, crushed, or destroyed. (A laugh from the Opposition side.) He did not mean to say that America would be annihilated? but with regard to commerce, and all the advantages to be derived from it, he was confident, she might be deprived of them. A war with America would not be advantageous to England, but it would be ruinous to America. For his own part, he looked at the prosperity of America as accessary to that of this country. He should not wish to see America impoverished, much less reduced in power, or subdued. Sure he was, that no one could construe those truly conciliatory dispositions of England into fear; but, he was of opinion, that England, conscious of her own dignity, could bear more from America for peace's sake, than from any other power on earth. He might be wrong in the view he had taken of the subject, but it was fair to allow, by a parity of supposition, that the hon. gentleman might be wrong also.—As to the revocation of the Berlin and Milan Decrees, on which the hon. gentleman had laid such a stress, few people would go to the length of believing that they were actually revoked, solely on the ground that it was so asserted by America. The hon. gentleman had said, that he would challenge ministers to produce a single instance of those Decrees having been enforced against America. Since their revocation, in his opinion, instances of that kind were most numerous; but without entering into details, he considered the very document which promised the revocation of those Decrees, as a re-enactment of them, and as a confirmation of the principles on which they were attempted to be established. For his own part, he never had believed that those Decrees had been revoked; he had never seen any official document to that effect, and if such had really existed, surely America would not have failed to produce it, considering that the whole of the negociation hung on that single point: in fact, no proof existed of those Decrees having been ever revoked. A promise indeed had been held out, that they would be revoked, as far as concerned America, by a given time, provided this country should, in the mean time, revoke her Orders in Council, and renounce her system of blockade. The other alternative proposed was, that America should assert and maintain the independence of her flag. How, then, could those Decrees be considered as revoked, when none of those requisite conditions had been fulfilled? Was England, in order to obtain that revocation, to abandon her system of blockading, in their ports, the fleets of the enemy? He did not mean that artificial blockade existing only on paper, but that real and substantial blockade, solemnly acknowledged by the laws of nations; a system, on which the safety of this country and her maritime rights so essentially depended; a system, which had so effectually prevented the enemy from obtaining his favourite objects, "ships, colonies, and commerce." The right hon. gentleman would then examine how far America had been able to execute the other alternative left to her, namely, to assert and maintain the independence of her flag. As to what that independence was, there had been many versions, but one had been lately received from Hamburgh, by which an American vessel was said to be 'denationalized' if she had touched at a British port, had been visited by an English man of war, or even kept company with her. How was America, the right hon. gentleman would ask, to assert and maintain the independence of her flag so defined; and, in case

Digitized by Google

of her not complying with the necessary condition, how could the obnoxious Decrees be considered as revoked? Were America even able in that instance to comply with the wishes of France, was it likely England would consent to it, as it would, in fact, be giving up the right of searching merchant vessels for English seamen and contraband goods? The right hon. gentleman concluded that part of his speech by expressing a hope, that nothing had fallen from him which could be construed as militating against the conciliatory measures which it was the most sincere wish of ministers to follow towards America.—As to India, which had formed another topic of the hon. gentleman's speech, the case was simply this: the charter of the East India Company was very near expiring; vast acquisitions of territory had been obtained in that part of the world; and, under the existing circumstances, it had been thought advisable to take the sense of Parliament on any new system which might be adopted, to secure to this country the utmost advantage from the resources of our Eastern empire. This was a subject for future consideration, and any details on that head would have been ill placed in the Speech.—As to the abhorrence expressed by the hon. gentleman at the doctrine supposed to be held out by his noble friend (lord Jocelyn), that the personal character of a ruler might be a sufficient ground to refuse entering into negociation with him, he was glad to find that his noble friend had disclaimed it, as he certainly did for his own part; but surely his noble friend, or any other gentleman, might, in the course of debate, allude to particularities in the character of such a ruler, which rendered peace with him rather improbable. The right hon. gentleman said he had meant merely to answer what had fallen from the last speaker, and having, as he trusted, refuted all the objections he had made, he would now sit down with the hopes that the House would not be prevented by the gloomy picture drawn by the hon. gentleman, from concurring in the Address to his royal highness the Prince Regent.

Mr. *Whitbread*. I do not rise, Sir, to explain, but to demand of the right hon. gentleman to explain, whether he meant any personal allusion in some words that fell from him that appeared to me to be of no very delicate description.

The *Chancellor of the Exchequer*. I could have meant none. The lines are Pope's—the metaphor is that of a spider spinning a new web after one has been destroyed. I thought it applicable to the pertinacious manner in which the hon. gentleman appeared to me to have been reviving his prophecies over again; but I do assure him, that I would not have so applied it, could I have imagined that he would have so construed it; and that were I even indifferent to his disapprobation, which I am not, I could not be so indifferent to my own, as to descend to the grossness of any such personal allusion.

Mr. *Whitbread*. I am perfectly satisfied with the explanation given by the right hon. gent.; and I am sure that had the same words been so applied to him, he would have felt it necessary to call for an explanation.

General *Tarleton* could not conceive in what respect our affairs in the peninsula had in the smallest degree been improved. If we viewed the efforts of our armies, in what had they succeeded? What attempt had lord Wellington made in which he had not been baffled? He made the most vigorous efforts to capture Badajos; had he succeeded? No; on the contrary, in addition to the immense loss of British soldiers, even 25,000 Spaniards had been destroyed, or had fallen into the hands of the French. But as Badajos was a place of the most vital importance to the occupiers of Portugal, these losses were not deemed too much to obtain possession of it; the battle of Albuera could have no other object than its capture. Though victorious in the field, were we successful in our plan? No, certainly not: for immediately we find lord Wellington re-pass the Guadiana. As to Ciudad Rodrigo, the gallant general could not imagine we had been more successful: although lord Wellington's force consisted of 11 regiments of cavalry, 52 battalions of British infantry, besides 3 or 4,000 Germans, and numerous levies of Portuguese and Spaniards, yet he had failed in two attempts; the French force, only three divisions, opposed to him, were inferior in numbers, yet he could not prevent their collecting supplies, advancing, (though encumbered by 1,500 waggons) and throwing succour into the place. Could this be any addition to our military fame? Could these discomfitures entwine laurels round the brow of the British army? Lord Wellington was obliged to fly, to desert the level country, and to take refuge in ravines and mountains, which

Digitized by Google

sheltered him from the successful foe; and when all these circumstances had taken place since the last session of parliament, how could it be said our affairs were in a more prosperous state now than then? When he considered the differences subsisting between Spain and her colonies, in South America, and as it was well known that money (which she drew in great abundance from those colonies) was the source of power, the sinews of war, when he heard the Cortes declaring that their armies were in want of every thing, arms, ammunition, and accoutrements, could we hope, or could we expect, a favourable issue to the present contest? The so much boasted Guerilla system, he considered as the most expeditious plan for rendering a nation savage, vindictive, and cruel, and turning its soldiers into freebooters. Was it the part of a generous ally, when we had advanced twelve millions for her aid, and marshalled 40,000 of our men for her defence, to bring only 9,000 men into the field, for this was the number of Portuguese joined with the British. This did not seem to be the conduct of men engaged in a contest for every thing which rendered this life valuable. From the documents which we had received from lord Wellington, we could not draw the consolatory hope that their future exertions would compensate for their former dereliction of duty: in them we found even officers accused of deserting, and that the hospitals at Coimbra were filled with feigned invalids, while we were impoverishing our country, exporting our bullion, and circulating a base coin, —(some of which the hon. general himself had inadvertently taken; he meant the Bristol and Bath tokens, which were afterwards refused to be taken from him on the road to town, and this at a time when we paid 20,000*l.* a year for a mint) —while the peninsula had been draining us of our real money, and we had been lavishing the blood of our brave soldiers in her cause, these our illustrious allies had either deserted their colours, or loitered their hours ingloriously in an hospital.—When he turned his eyes towards the north of Europe, he saw no hopes of assistance arising in that quarter; he beheld Prussia reduced to the lowest state of national degradation, and observed, without any astonishment, an edict issue from the emperor of Austria, commanding a free and uninterrupted passage to the troops of his august cousin through any part of his dominions: from these observations, it was impossible we could expect the resuscitation of any alliance inimical to the interest of the French emperor. These were times of difficulty and danger; we beheld 100,000 men raised by our powerful enemy; these men were not destined for Spain; no, but for the destruction of England, stripped of its natural defenders, burdened by excessive taxes, and dispirited at seeing fleets take out as fine battalions as the world produced, and one ship bringing home their wretched remains. Here the hon. general pathetically mentioned the death of general Colman, late serjeant-at-arms of the House. The cause which he supported, and which he would continue to support, was the cause of truth, and in which he found himself aided by the testimony of our best historians, Hume and Robertson, who always reprobated continental wars as injurious to the real interest of Great Britain. That celebrated statesman, the late Mr. Fox, had wished for the pencil of Cervantes, to depict in their true colours the alliances against the French Republic. How much the more would he desire it now, were he alive, to represent the futile contest in which we were engaged against a nation much more powerful than it was at that time, and whose resources were at the disposal of a ruler, in whom, from experience, it confided; and who, at the same time, knew that he enjoyed this confidence; for what but a knowledge of the good wishes of the French nation could have induced Buonaparté to be absent from his capital for more than seven months. The hon. general concluded by lamenting that we had engaged in a war which had cost us 60,000 men, and in which we had expended so many millions of money.

Mr. *Creevey* observed, that it had hitherto been usual, whenever the country was called on to make additional sacrifices, for the House to be told in the Speech from the throne, that the trade and commerce of the nation were on the increase, and that the revenue was improving. Now, however, they had been told nothing of this, and it was known that the revenue of the country had experienced a rapid decline. The House ought, therefore, to be in possession of all the facts on this subject before they proceeded to pledge themselves to a continuance of the continental war; and it was his intention to submit a motion to that purport.

Digitized by Google

—He believed that the taxes of last year had experienced a diminution of no less a sum than 3½ millions, notwithstanding additional taxes had been imposed; and that those taxes which composed what went by the name of the Consolidated Fund, had also experienced a decrease of 1½ millions, making in all a diminution of 5 millions. Ought not the House, therefore, to be put in possession of these circumstances, before they gave a pledge to carry on the present system of warfare? Ought they not to be told how this deficiency was proposed to be supplied? Was it to be by an imposition of new taxes? If this was intended, why were they not told so? Were they to be taxed anew, when the present taxes were not realized? The deficiency was reasonably a subject of great alarm. He would instance the case of the stockholder, who was secured on the consolidated fund. The funds for his payment were less during the last year by 1½ millions than in 1810. Suppose, then, that this fund should be found inadequate to pay the stockholder, what was to be done? If this fund was inadequate to pay the charge upon it, was the deficiency to be paid from the Sinking Fund? All these subjects must certainly come before parliament; and he intended to move, before he sat down, that the Address should be postponed to that day week, in order that the returns of taxes for the year 1811, and of the produce of the Consolidated Fund and charges should be laid on the table, when they would know what state the revenue of the country was actually in, before they guaranteed the prosecution of the war in the peninsula. If successful in this motion, he should next move for returns of the Consolidated Fund, and of the Annual and War Taxes, &c. This was certainly the only antient parliamentary practice; it was the practice of the best times of our history, of the reigns of king William and queen Anne; during which periods, when communications were made to parliament, it was usual either to return no answer, or to take six, seven, or eight days before giving it. It was the more necessary that the House should be instructed what the revenue was before pledging themselves, because it was impossible not to see, from what appeared in those newspapers under the direction of government, that there was an evident intention on the part of government to mislead the country with respect to the amount of the taxes. The amount for the existing quarter was compared with the quarter corresponding ending in 1810, and that in 1809, and an advance was then stated to have taken place, whereas, if the revenue of the whole year had been compared with that of the preceding year, the diminution would be found to amount to what he had already stated. As to what had been said in the Speech respecting the affairs of the East India Company, he hoped that the subject would receive mature consideration, and that when it was brought forward, gentlemen would be ready to decide upon this question, whether, if we were at peace to-morrow, all the world should be at liberty to trade freely with India except England herself? The hon. gent. concluded with moving that the word "now" be left out of the motion before the House, for the purpose of inserting "this day se'nnight."

The *Chancellor of the Exchequer* said, he had the satisfaction to state, that the hon. gent. had taken a very black and a very unfounded view of the revenue of the country; for though it was true that the revenue of the present year was not equal to that of the last year, it was much greater than that of any former year; and it was certainly wonderful that, with all the pressures on our commerce and manufactures, the revenue should still exceed what it had been on any year previous to the last, The diminution of trade during the three first quarters of the year had naturally produced a diminution of the customs; but it would be seen from the last quarter, that a stop had been put to the continuance of that diminution. What was of still greater consequence, however, was, that the Excise exceeded during the last year, the year ending in January 1811; for the excise was truly the great source of our revenue, being four times as great as the customs. The total revenue was indeed two millions short of the revenue of the preceding year; but then it was to be considered, that that year was the greatest which had ever been known, and was more than two millions beyond that of the former year. The Excise, too, was not what it would otherwise have been on account of the large distillation from sugar during the summer months, which operated against the new duty on spirits. But under all the circumstances, the excise was greater than that of the preceding year; and the revenue, though not the greatest, was next to the greatest ever known.

Digitized by Google

Mr. *Vyse* rose for the purpose of correcting a mis-statement which had been made by an hon. general as to what had fallen from him, in seconding the Address on the preceding evening. He had merely stated, that though Spain was not absolutely so secure as Portugal, still she must be considered as absolutely unconquerable.

Mr. *Whitbread* observed, that, although the right hon. gent. had argued with considerable address on the subject of the revenue, still he had not forced conviction on his mind. He had stated, that the revenue of the past year, though not perhaps so great as had been known, was considerably larger than that collected in the preceding year. Now, if the revenue was subject to such fluctuations, while the expences of the country were daily and certainly augmenting, he must be a bad financier, who, viewing such uncertainty of supply on the one hand, and such certainty of expence on the other, did not look about for some mode by which he might lessen the expenditure, so as to bring it on a level with those resources on which he could depend. The right hon. gent. had spoken of the Excise as being very productive; but to him (Mr. W.) the customs appeared to be of more importance. Now, it was an incontrovertible fact, that the Customs had very much decreased, which was a fair criterion of the general state of the trade and commerce of the country. Then the question was, if the customs were falling, would not the Excise also sink? Most assuredly it must; for, by the trade which supported the Customs, individuals were enabled to pay the Excise. Did the right hon. gent. believe that the expences of the country were likely to be kept within any definite bounds? Did he not think, on the contrary, that the expenditure would progressively increase? And, if he continued the finance minister, would he not be obliged to increase the burdens of the country in proportion? And here he would repeat what he had before said, that, beyond a certain point, no power could force the resources of a country; and, he would ask, was it not better to examine deliberately, and look to measures which they were confident could be pursued, than blindly to pledge themselves to that which probably they would be unable to perform? The observations of his hon. friend appeared to him to be perfectly just; and the postponement of the Address, which he thought a very proper measure, met with his warmest approbation.

Mr. *Hutchinson* said, that notwithstanding the thinness of the House, he could not allow himself to give a silent vote upon the present occasion. He certainly dissented most completely from the sentiments contained in the Address, believing, as he did, that the circumstances of the times called for language from the House very different from that of adulation. When the Address of last year was moved, he had thought fit to express his conviction that it was then the duty of the House to speak out their sentiments, and apprise the Prince Regent of the awful circumstances under which he assumed the government; that during the preceding reign a great part of the empire had been for ever lost, and the safety of the remaining parts endangered, and that he could neither with honour to himself or safety to the country, adopt the plans which had been already pursued with such ruinous effects. Every thing which had taken place since that period served to confirm him in the opinion that such was the language with which they ought to approach the Prince Regent, and he therefore wished to enter his decided protest on this occasion against the principles and proceedings of the present ministers. With respect to the proposed Address, it stated little, and that little incorrectly, and it kept back and concealed that which was most important. It was not true that our armies had effectually defended Portugal. He certainly did not wish to reflect on the conduct of the general to whom the command of the army in Portugal was entrusted, nor on the conduct of the troops; for he believed that every thing had been done by them which it was possible for them to do under the circumstances in which they had been placed. But he would ask, whether they really meant to state to the country and to Europe that the English army had effectually secured the defence of Portugal? That army was allowed to remain in Portugal, not because it could not be driven from it, but because it had never yet been the policy or interest of the emperor of the French to carry on the attack in that quarter. The right hon. gent. opposite had said, that he had afforded an addition of 10,000 men to the forces in the peninsula during the last year; but could any man believe that this supply was in any wise effectual for the successful prosecution of the war? Such exertions as had hitherto been made were certainly most inadequate for the de-

Digitized by Google

fence of Portugal, and we must soon be under the necessity of withdrawing our forces from that country, if the commander was not furnished with better means of defence. It was a fact, which it was impossible to conceal or disguise, that the enemy had hitherto attempted nothing in which he had not completely succeeded. He would again repeat, that he had not the smallest wish to reflect on the conduct of lord Wellington or his troops. With regard to Spain, it was certainly most undeniably true, notwithstanding all that had that night been urged on the subject by the right hon. gent. that the enemy were in reality in the military possession of Spain. Was it becoming then in the House to state in their Address to the Regent, that the affairs of Spain wore a better aspect than they did in the former year, or to tell him that the situation of Spain was in any way improved by our defence of Portugal? The situation of Spain was, indeed, now in a very different situation from what it had been in the former year. Since that time fortresses and armies had been lost; and though many opportunities occurred when assistance on our part could have been given at various points where it would have been effectual, no such assistance was ever given, and the opportunities were uniformly allowed to pass by unimproved. But, what were the opinions of the Spaniards themselves, who certainly were the best judges of the assistance derived by them from the British arms? They had told us that the defence of Portugal was not the defence of Spain; and that that was the Spanish feeling on the subject, was evident from every thing that had come to our knowledge.—With regard to America, he rejoiced to see that at last there was some prospect opening of an accommodation with that country. Still, however, the question recurred—had ministers done every thing to conciliate that country; or had they not rather done every thing which it was possible for them to do, to provoke and exasperate the Americans? And with regard to that subject, it was certainly most becoming for the House to express the feelings which such a system of misconduct ought to excite, to the Prince Regent.—He would now proceed to consider what had been said with respect to the state and condition of Ireland; and after what had been done to provoke and exasperate the people of Ireland, he conceived that he should be disgraced in the opinion of every thinking man, connected as he was with that country, if he did not express his strong disapprobation of that part of the Address. After the measures which had been adopted, calculated only to disaffect and alienate the affections of the Irish people, it was indeed rather astonishing that any such word as satisfaction should be employed in reference to the situation of Ireland. By these measures, however, they had sufficiently proved that the Irish were united against them. They had hitherto been most disgracefully managed by their own disunion and disagreement; but the policy of ministers had at length shewn to Britain, that Irishmen of every description were united in holding it in detestation. So far, therefore, were they from having succeeded in their plans respecting Ireland, that there was not one part of Ireland, he believed, which had not expressed its strong disapprobation, and that was not beginning to perceive that a union of all could alone protect them from the grasp of an insatiable enemy, from the oppression and tyranny of false and wicked ministers.

The *Chancellor of the Exchequer* explained, that he had been misapprehended in the expression he had employed, that the British army in Portugal was stronger at this time by 10,000 men than it was at the same period last year. He did not intend to be understood, that reinforcements to the extent of 10,000 men, had been sent out, but that on a calculation of the whole force, the augmentation was to that amount.

The question was then put on Mr. Creavey's motion, and negatived. The Report was brought up and agreed to.

HOUSE OF LORDS.

Thursday, January 9.

STATE OF IRELAND.] Lord *Grenville*, at the request of his noble friend (earl Fitzwilliam) who had given notice of a motion respecting the state of Ireland, for to-morrow se'nnight, moved to discharge the order for summoning their lordships on that day, with the view of postponing it till Friday, the 24th instant. His noble friend was decidedly of the same opinion with himself, that the situation of Ireland had been brought to a crisis, and that it must now be decided what were to be the future relations between this country and that. The reason, however, which induced his noble friend to wish the postponement of the motion was, that in the additional

Digitized by Google

interval some noble lords might be expected to arrive, particularly those who represented in that House the peerage of Ireland; and whilst from that courtesy and respect which was due to noble lords, his noble friend wished for a little further delay; a strong additional motive also was the advantage which might be expected from hearing the sentiments of the noble lords he had alluded to, who from their more intimate and personal knowledge of the events which had recently taken place in Ireland, might be enabled to give the House some valuable information. This was the only ground on which it was wished to delay the question, and there would not, if possible, be any further delay.

The order for summoning the Lords for to-morrow se'nnight was discharged, and fixed for Friday, the 24th instant.

STATE OF THE FINANCES.] Lord *Grenville* observed, that a partial statement of the revenue of the country had been made elsewhere, and was probably now in the hands of their lordships. He could not applaud that conduct as manly, where the individual endeavoured to deceive himself and to shut his eyes to the difficulties of the country, still less could he call by the name of patriotism an attempt to deceive the country. He should therefore move for Accounts of the Produce of the Consolidated Fund, of the War Taxes, and of the annual Land and Malt for the years ending the 5th of January, 1810, and the 5th of January, 1811, in order that a true statement might be before the House, and to the production of these accounts he supposed there could be no objection.

The Earl of *Liverpool* said he should not object to the motion. With respect to the statement elsewhere, he had not seen it, but he was satisfied it would be found that no attempt had been made by an individual to deceive himself, as alluded to by the noble lord, or still less to deceive the country.—The motions were agreed to.

REPORT FROM THE COMMITTEE OF THE HOUSE OF LORDS APPOINTED TO EXAMINE THE KING'S PHYSICIANS.] The Earl of *Liverpool* rose to move the appointment of a Select Committee, to examine the Physicians in attendance on his Majesty, touching the state of his Majesty's health. His lordship observed, that they were now called upon to resort to this measure under different circumstances to those which existed in the last session. The Privy Council at that period had no jurisdiction in the case; they were summoned as the body that could most conveniently be summoned to examine the Physicians, and made their Report to Parliament, which afterwards appointed Committees of its own also to examine the Physicians. Now, under the act passed last session, the Queen's Council had a legal jurisdiction, and their Reports under that act had already been laid on the table. As however some further legislative measure was necessary upon this melancholy subject, he thought it would be more consistent with propriety for the House to have on its Journals the Examination of the Physicians in attendance on his Majesty taken before a Committee of its own body, and he should therefore move, That a Select Committee be appointed to examine the Physicians in attendance on his Majesty, touching the state of his Majesty's health since their last examination before a Committee of this House.—Ordered. And also, that the said Committee consist of 21 Lords, and that they be chosen by ballot.

On the 15th instant the said Committee made their Report, as follows:

REPORT.

By the LORDS COMMITTEES appointed to examine the Physicians who have attended his Majesty touching the state of his Majesty's health, since the examination of his Majesty's Physicians, before a Committee of this House in the last session of parliament; and to report such examination to the House;

Ordered to Report, That the Committee have met and examined the several physicians who were sworn for that purpose at your lordships' bar, and the evidence given by them before the Committee was as follows:

Die Lunæ, 13° *Januarij* 1812.

Dr. WILLIAM HEBERDEN called in, and examined.

2. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—*A.* It is.

What is the present state of his Majesty's bodily health?—His Majesty's bodily health is not entirely in its natural state, but not far removed from it.

What is the present state of his Majesty's mental health?—Very much disordered.

Digitized by Google

Adverting to the state of his Majesty's bodily and mental health since your last examination before a Committee of this House, are you now of opinion that his Majesty's recovery is probable or improbable?—Improbable.

In what degree do you consider his Majesty's recovery as improbable?—It is perhaps impossible to describe with accuracy the degree in which I may feel the improbability of his Majesty's recovery. The improbability is certainly considerable, but not in an extreme degree.

Are you of opinion that his Majesty's recovery is hopeless?—No.

Do you expect that his Majesty will recover?—I do not.

Dr. Thomas Monro called in, and examined.

2. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—*A.* The state of his Majesty's health is such as to render him incapable of coming to his Parliament, or of attending to any public business.

What is the present state of his Majesty's bodily health?—His Majesty's bodily health is tolerably good.

What is the present state of his Majesty's mental health?—The present state of his Majesty's mental health is certainly, in my opinion, insane.

Adverting to the state of his Majesty's bodily and mental health during his Majesty's present indisposition, as far as it has come under your observation, are you of opinion that his Majesty's recovery is probable or improbable?—I think his Majesty's recovery is improbable.

In what degree do you consider his Majesty's recovery as improbable?—I consider it very improbable.

Are you of opinion that his Majesty's recovery is hopeless?—I do not entirely despair.

Do you expect that the King will recover?—No; I do not.

Dr. Samuel Foart Simmons called in, and examined.

2. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—*A.* The state of his Majesty's health is certainly not such as to enable him to meet his Parliament, or to attend to any public business.

What is the present state of his Majesty's bodily health?—Very good.

What is the present state of his Majesty's mental health?—Much deranged.

Adverting to the state of his Majesty's bodily and mental health during his Majesty's present indisposition, as far as it has come under your observation, are you of opinion that his Majesty's recovery is probable or improbable?—Improbable.

In what degree do you consider his Majesty's recovery as improbable?—It is difficult to say, because in some cases recoveries so unexpectedly take place, that it sets all calculations at defiance. The proportion of recoveries in persons of his Majesty's advanced period of life is much less than in earlier periods; but recoveries do sometimes take place in persons of a still greater age than his Majesty.

Are you of opinion that his Majesty's recovery is hopeless?—Not hopeless.

Are you physician to St. Luke's Hospital?—I was for thirty years, and now am consulting physician.

Is there any regulation in that Hospital with respect to the admission of patients after a certain age?—Till within about three years there was not; persons of any age were admissible; but since that period no patient of seventy years of age is admitted. I have looked over the memoranda of all the Hospital cases that I have, where the ages of patients are accurately marked, prior to the regulation with respect to the exclusion of patients about seventy years of age, and I find that in the course of about thirty years there were, out of six thousand two hundred and fifty-six patients, only seventy-eight who were of the age of seventy years and upwards; and that of those seventy-eight only sixteen were discharged cured, which is in the proportion of one in five; whereas of the others, taking the whole number of patients admitted into the Hospital from its establishment, nearly one half (rather more than four in ten) were discharged cured. It appears that of three hundred and thirty-four patients discharged uncured and re-admitted as deemed incurable, eighteen have been discharged cured, which is about five in one hundred. That I think shews the difficulty of fixing the degree of improbability. Those eighteen persons had been for several years in a state of derangement.

Were any of those eighteen above the age of seventy?—I think they were not; but I cannot speak positively without referring to books.

Digitized by Google

Of the sixteen patients referred to in a former part of his answer, has Dr. Simmons any recollection whether any of them had been deranged for any considerable time, or whether they had had frequent recurrences of their disorder?—That is a question I cannot answer without have recourse to books.

Does Dr. Simmons know what was the cause of the regulation in consequence of which patients above the age of seventy were excluded from St. Luke's?—About the same time that the regulation took place for the exclusion of persons above the age of seventy, a rule was made also for the exclusion of children under the age of twelve. It was found, that of the old persons a much smaller proportion recovered than of the other patients. Many of them soon fell into a state of infirm bodily health. They died in a larger proportion from palsies and other diseases incident to old age; and therefore it was thought better to confine the admissions to the middle ages of life.

Was the improbability of cure the cause of the regulation?—I think not, because we have had persons of a more advanced age (one of eighty-three) discharged from the Hospital as cured. The age of the patient merely was certainly not the reason of the regulation; at least I never understood it to be so.

Does Dr. Simmons recollect whether any of the persons above the age of seventy, discharged as cured, were blind?—I can speak with certainty that they were not, because the number of blind patients that I have had an opportunity of seeing has been very small, not more, as far as I recollect, than six in the Hospital, and two in private practice.

How many of those blind patients recovered?—I recollect no instance of perfect recovery.

Do you expect that the King will recover?—I can hardly say that I expect it.

Upon what grounds do you deem his Majesty's recovery improbable?—I believe I have already stated the reasons, one of which was his age.

Is the age of his Majesty the only ground upon which Dr. Simmons considers his Majesty's recovery as improbable?—Not merely his age—the general turn of his disorder.

What are the grounds upon which Dr. Simmons considers that his Majesty's recovery is not hopeless?—There are many grounds upon which I consider the case as not hopeless—the regularity of his former habits of life—the present good state of his general health—his recovery from former attacks of his disorder—the accuracy of his perception in many points, particularly with respect to his food. His Majesty's memory likewise seems so perfect, that it cannot fail to give some hope as to the ultimate termination of the disorder.

Is there any indication of fatuity in his Majesty's disorder?—There is no such indication; and that I think another strong reason for not considering his Majesty's case as hopeless.

When was Dr. Simmons first called in to attend his Majesty during his present illness?—On the 9th of October last.

Since that period, has his Majesty made any progress toward recovery?—I cannot say that there has been any obvious progress toward recovery.

Does Dr. Simmons consider his Majesty in a more or less favourable state for recovery from such a disorder, than most persons of seventy years of age?—Not less favourable than other persons of that age.

Does Dr. Simmons consider the case as more or less favourable for recovery now, than when he first saw his Majesty on the 9th of October?—Rather less favourable, from the length of time that has elapsed without any obvious progress towards recovery.

Die Martis 14° *Januarij* 1812.

Dr. John Willis called in, and examined.

Is the state of his Majesty's health such, as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—Certainly.

What is the present state of his Majesty's bodily health?—The present state of his Majesty's health is nearly the same as it has been since I have seen his Majesty; I have thought it upon the whole rather better since I was first called in.

When was Dr. Willis first called in during his Majesty's present illness?—The first time I saw his Majesty was on the 9th of October.

What is the present state of his Majesty's mental health?—The present state of his Majesty's mental health, without meaning to affix any nice distinctions, is a high degree of derangement.

Adverting to the state of his Majesty's

Digitized by Google

bodily and mental health during his Majesty's present indisposition, as far as it has come under your observation, are you of opinion that his Majesty's recovery is probable or improbable?—Improbable.

In what degree do you consider his Majesty's recovery as improbable?—I consider it very improbable.

Are you of opinion that his Majesty's recovery is hopeless?—No, I should not think the case hopeless. By saying not hopeless, I mean to say, I do not consider recovery as impossible.

Since the 9th of October has there been any progress towards recovery?—I think there have been occasional symptoms for the better, rather than any progress.

When did Dr. Willis see the King last?—Yesterday morning.

Did he consider the King's mental health at that time better or worse than it was on the 9th of October?—I certainly did not think it worse, but I can scarcely say I thought it better.

In what state was the King's bodily health yesterday?—Very nearly in the same state as it has been since the 9th of October.

Has Dr. Willis any expectation of the King's recovery from his mental disorder?—I can hardly say with regard to any. I have not expectation of the King's recovery.

Is the Committee to understand, that, considering all the circumstances of the case, Dr. Willis does not, upon the whole, expect the King to recover?—Considering all the circumstances of the case, I certainly do not expect the King to recover.

Has Dr. Willis known many persons to recover, when afflicted by the particular species of derangement under which the King labours?—Yes, I have known a great many recover from the particular species of derangement under which the King labours.

After they had arrived at the age of the King?—No, I cannot say that.

Has Dr. Willis ever attended any patients who were blind?—No, I have not.

Dr. Matthew Baillie called in, and examined.

Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—The state of his Majesty's health is such as to render him incapable of coming to Parliament, or of attending to public business.

What is the present state of his Majesty's bodily health?—Except for a little exacerbation which has taken place within the last two or three days, his Majesty's bodily health has been little disordered.

What is the present state of his Majesty's mental health?—The errors of his Majesty's mind are at present as strongly impressed upon it as during any period of his illness; for a few weeks lately, his Majesty has been able occasionally to relate anecdotes more distinctly than for two or three months previous to that period; within the last two or three days his Majesty's mind has been entirely lost in error.

Adverting to the state of his Majesty's bodily and mental health, since your last examination before a Committee of this House, are you now of opinion that his Majesty's recovery is probable or improbable?—Adverting to all the circumstances in that question, I think his Majesty's recovery extremely improbable.

In what degree do you consider his Majesty's recovery as improbable?—I consider it as amounting to the highest degree of improbability that his Majesty should recover.

Are you of opinion that his Majesty's recovery is hopeless?—I should say that his Majesty's recovery is not altogether without hope, because it is not impossible.

Does Dr. Baillie expect the King to recover?—Certainly not.

When did Dr. Baillie first change the opinion which he expressed when last examined before the Committee of the House of Lords with respect to the probability of the King's recovery?—I began to lose a considerable part of my confidence, with respect to his Majesty's ultimate recovery, a little before the quarterly Report of July.

Does Dr. Baillie mean to say, that since the quarterly Report in July he has continued to think the King's recovery improbable?—Certainly.

Sir Henry Halford, Baronet, called in, and examined.

Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—It is such as to render it impossible for him to come to his Parliament, or to attend to public business.

Digitized by Google

What is the present state of his Majesty's bodily health?—I think the state of his Majesty's bodily health by no means good.

What is the present state of his Majesty's mental health?—His Majesty's mental health is extremely disordered.

Adverting to the state of his Majesty's bodily and mental health since your last examination before a Committee of this House, are you now of opinion that his Majesty's recovery is probable or improbable?—Very improbable.

In what degree do you consider his Majesty's recovery as improbable?—I have already answered that question.

Are you of opinion that his Majesty's recovery is hopeless?—Not hopeless, because there is no physical impossibility.

When did you first perceive such a change in the symptoms of his Majesty's disorder as to make you think his recovery improbable?—In the beginning of July last.

Have you continued to think his Majesty's recovery improbable since that period?—I have.

Has there been any progress made toward recovery since that period?—I think not.

Has sir Henry Halford any expectation of his Majesty's recovery?—I do not think his Majesty will recover.

Has there been any alteration in the state of his Majesty's bodily health within the last three or four days?—I cannot speak confidently to that question, because I left Windsor on Saturday.

Dr. ROBERT DARLING WILLIS called in, and examined.

Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, and of attending to any kind of public business?—The state of his Majesty's health is such as to render him incapable of coming to Parliament, or of attending to any public business.

What is the present state of his Majesty's bodily health?—I have never thought his Majesty's bodily health to be good. Within the last few days there has been an increase in the morbid irritability of the system. This was increasing when I left Windsor yesterday morning; but generally speaking, I consider his Majesty's bodily health to have been better than, under all the circumstances of the case, might be reasonably expected.

What is the present state of his Majesty's mental health?—The present state of his Majesty's mental health is as bad, or perhaps worse, than at any period of the complaint.

Adverting to the state of his Majesty's bodily and mental health since your last examination before a Committee of this House, are you now of opinion that his Majesty's recovery is probable or improbable?—I think his Majesty's recovery extremely improbable.

In what degree do you consider his Majesty's recovery as improbable?—I think it all but impossible.

Are you of opinion that his Majesty's recovery is hopeless?—I scarcely know how to apply the word hopeless in a medical sense. The words hopeless and despair apply only to certain states, which are somewhere between extreme improbability and impossibility; but those states are so difficult to be ascertained, that I scarcely know when to apply the words.

Does Dr. Willis expect the King to recover?—I do not.

When did you first cease to think the King's recovery probable?—Soon after the last attack in July.

Have you continued to think the King's recovery improbable since that period?—I have seen no reason to form any other opinion.

Have you ever attended any patients in a state of mental derangement, who were blind?—Never.

In your answer to the question respecting the state of the King's bodily health, did you mean to state that it had been in any degree worse during the last three or four days?—Certainly, in some degree worse.

Was it so much worse as to make you apprehend any degree of danger?—Was it to continue, I should consider that there was some danger.

Do you speak of what it is now, or what it was some days ago?—I left Windsor yesterday morning; I speak of the state in which it was then. I think it right to add, I have frequently seen such states before, from which his Majesty has recovered.

Have you ever seen any other patient recover from a similar state?—Frequently.

At the King's age?—No.

Is the nature of the present attack the same as that from which you have seen the King recover before?—Precisely.

Digitized by Google

HOUSE OF COMMONS.

Thursday, January 9.

REPORT FROM THE COMMITTEE OF THE HOUSE OF COMMONS APPOINTED TO EXAMINE THE KING'S PHYSICIANS.] Mr. Secretary *Ryder* rose, for the purpose of moving the appointment of a Committee to examine the King's Physicians, touching the state of his Majesty's health. It had been considered questionable, whether or not in the present stage of the proceeding, it was necessary to appoint any Committee for that purpose; but as doubts had arisen in some quarters on that subject, it had been deemed advisable before the House proceeded to any ulterior measure, that they should enter into an inquiry by a Committee of their own; the more especially as such an inquiry could be productive of very little delay. He therefore moved, "That a Select Committee be appointed to examine the Physicians who have attended his Majesty, touching the state of his Majesty's health since the examination of his Majesty's Physicians before a Committee of this House in the last session of parliament, and to report such examination to the House."—The motion was agreed to, and a Committee accordingly appointed of 21 members, as follows: Mr. Secretary Ryder, the Chancellor of the Exchequer, the Master of the Rolls, Mr. Ponsonby, Mr. Wilberforce, Mr. Sheridan, the Attorney General, Mr. W. Adam, Mr. A. H. Eyre, Mr. C. Long, Mr. Tierney, lord Jocelyn, sir J. Newport, sir J. Nicholl, Mr. Whitbread, lord Castlereagh, lord Milton, Mr. Canning, lord G. Cavendish, Mr. H. Addington, Mr. S. Bourne.

On the 13th, the said Committee made their Report, as follows:

REPORT.

THE SELECT COMMITTEE appointed to examine the Physicians who have attended His Majesty, touching the State of His Majesty's Health, since the Examination of His Majesty's Physicians before a Committee of this House in the last Session of Parliament, and to report such Examination to the House;—

Have, pursuant to the Order of the House, examined the Physicians accordingly: which Examination is as follows:

Veneris, 10° die Januarii, 1812.

The Right Honourable CHARLES LONG, in the Chair.

Dr. MATTHEW BAILLIE, called in; and examined.

2. Is the state of his Majesty's health such as to render him incapable of coming to his Parliament in person, or of attending to any kind of public business?—*A.* The state of his Majesty's health is such as to render him incapable of coming to Parliament, or of attending to public business.

What is the state of his Majesty's bodily health?—His Majesty's bodily health, when I left him on Monday last, and generally of late, has been but little disordered.

What is the present state of his Majesty's mental health?—The errors of his Majesty's mind seem to be as strongly impressed upon it, as during any part of his illness; but his Majesty has within the last few weeks been able to relate anecdotes more distinctly than for two or three months before that period.

Adverting to the state of his Majesty's bodily and mental health since you was last examined before a Committee of this House, are you now of opinion that his Majesty's recovery is probable, or improbable?—I think that his Majesty's recovery is highly improbable.

Are you of opinion that his Majesty's recovery is hopeless?—I cannot state that his Majesty's recovery is altogether without hope, but I think it still extremely improbable.

On what do you ground your opinion, that his Majesty's recovery is highly improbable?—I think his Majesty's recovery is highly improbable, because his illness has continued for many months; and his mental health is in a considerably worse state than it was eight or ten months ago, because his Majesty is considerably advanced in life, and because his Majesty's present indisposition has assumed a more determined form than in any of his former illnesses.

Has his Majesty's present degree of mental infirmity taken place gradually, or suddenly?—The present degree of his Majesty's mental infirmity may be said to have taken place rather suddenly: he was in a much better state of mental health towards the end of June; early in July, his mind was impressed with all the errors which have continued since.

Digitized by Google

Have you ever known an instance of any person exactly circumstanced as his Majesty now is, in point of mental health, recovering?—My experience in complaints of this general class is very limited: I have not known any case resembling very exactly, in all its features, that of his Majesty. The only person that I have known, about his Majesty's time of life, whose mental health was deranged, did not recover.

At the time of the sudden change from better to worse in his Majesty's mental health, in the month of July, was his bodily health much impaired, and was his life in danger?—I cannot recollect the minute circumstances attending the derangement of his bodily health at that exact period; but the general impression which remains on my mind is, that his bodily health was not worse at that time, than it has been through the general course of his indisposition.

Were the paroxysms of mental disorder at that time such and so violent, or are they so now, as during their continuance to bring his Majesty's life into danger from their effect?—In some of the most violent paroxysms of his Majesty's complaint, he may perhaps be said to have been in some hazard, but it never appeared to me to be considerable: with regard to the present state of his disorder, I believe that his life is in no hazard whatever.

Can you state how long ago it is since you formed an opinion that his Majesty's recovery was improbable?—I began to be less confident about his Majesty's recovery, at the time of the Report of July; in the beginning of October I thought his Majesty's recovery very improbable; and now my opinion with respect to the improbability of his Majesty's recovery, is rather strengthened than weakened.

In your opinion, are his Majesty's faculties of perception and memory, impaired in any material degree?—His Majesty's perception and apprehension seem to me to be as acute at present as during any period of his indisposition; his memory seems to be impaired, but in a very inconsiderable degree. [Withdrew.

Dr. WILLIAM HEBERDEN, called in; and examined.

2. Is the state of his Majesty's health such as to render him incapable of coming in person to his parliament, or of attending to any public business?—*A.* It is such as to render him incapable of coming in person to his Parliament, or of attending to any public business.

What is the present state of his Majesty's bodily health?—It is very little removed from his Majesty's natural state of health.

What is the present state of his Majesty's mental health?—His Majesty's state of mind is very much disordered.

Adverting to the state of his Majesty's mental and bodily health since your last examination before a Committee of the House of Commons, are you now of opinion that his Majesty's recovery is probable or improbable?—Improbable.

In what degree do you consider it as improbable?—It is highly improbable, but not in an extreme degree.

Are you of opinion that his Majesty's recovery is hopeless.—No.

Is it your opinion that the prospect of his Majesty's recovery is all but hopeless?—No. His Majesty, from the middle of July last till about the second week of December, appeared to me to be more uniformly disordered in his mind than he has been since that period; had the same degree of disorder still continued, I might perhaps consider his Majesty's condition as almost hopeless, but the subsequent improvement, slight as it has been, makes me think altogether more favourably of the termination.

In what has that slight improvement consisted?—It consists in a greater power of conversation, and in having laid aside some erroneous notions with which his Majesty had been before possessed.

Is it to be understood that his Majesty's mind is not as much impressed with the errors which had possession of it before, as he was in the middle of the month of July last?—The errors to which I allude, had grown up in his Majesty's mind between the middle of July and the end of August; from the second week in December, his Majesty's mind has appeared to me to be clearer, and freer from error, than it had been in the latter part of August.

Do the errors which existed in his Majesty's mind before the middle of July last, still continue to exist in the same degree that they did formerly?—The errors and general character of his Majesty's disorder, since the middle of July, have appeared to me altogether different from what they were in any previous part of his Majesty's illness; and though some ideas may still remain, which possessed

Digitized by Google

his Majesty's mind early in his disorder, the greater part of them have grown up since the middle of July.

You are understood to say, that those errors that have possessed the mind of the King, between the middle of July and the second week in December, were quite distinct from those that had possessed it previously to the middle of July?—Yes.

And you are understood to say, that those errors were removed, or very much diminished at least?—Some of them have been removed.

State whether the errors which possessed his Majesty's mind before the middle of July, still continue to possess it?—I believe I must go into some history of his Majesty's complaint, from as long ago as February last, to the end of April: his Majesty had appeared to be getting materially better in the months of April, May, and June, there was very little of disorder exhibited; early in July, there seemed to be a fresh accession of disorder, so distinct in its character, from his Majesty's previous state, that I look upon it as indeed a new complaint.

Did the old complaint continue to subsist along with the new complaint; or when the new complaint manifested itself in the mind, did the old complaint seem to be extinguished? When the new complaint arose early in July, though his Majesty was not well from his former disorder, yet I am not conscious that there were any particular errors, that at that time rested upon his mind.

Do any of the errors that possessed his Majesty's mind before the middle of last July, now possess it?—His Majesty's mind is still possessed with the same sort of false reasoning; but I am not aware, that for some time previous to the commencement of the present disorder in July, there were any false facts upon his Majesty's mind.

Then the error of his Majesty's mind, as you are understood to state, previous to July, was merely that of false reasoning; are you to be understood that that was the sole error of his Majesty's mind, previous to that?—I think for two or three months previous to July, that had been the state of his Majesty's mind.

Does that propensity of the mind still continue?—Yes.

Did that false reasoning extend itself to many subjects, or did it confine itself to a few?—It was principally confined to a few; but there were many subjects upon which his Majesty's judgment could not be trusted.

Does his Majesty's mind continue to be engaged upon those particular subjects, on which you say it was principally engaged at that period?—Yes.

When his Majesty's mind runs upon those subjects, on which you say it was principally engaged, is it subject now to the same false reasoning it was then?—Yes.

You have said, that you consider his Majesty's recovery as highly improbable; have you ever known any person circumstanced in mental health, as the King is now circumstanced, and of the same age as his Majesty, recover from an illness such as his Majesty's?—I never knew any person under the same circumstances of disorder and age as his Majesty.

How long have you been of opinion that his Majesty's recovery was highly improbable?—Perhaps from the latter end of August. [Withdrew.

Dr. Thomas Munro, called in; and examined.

Q. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—*A.* I think his Majesty's state is such as to render him incapable of coming to his Parliament, or of doing any public business.

What is the present state of his Majesty's bodily health?—The present state of his Majesty's bodily health is tolerably good.

What is the present state of his Majesty's mental health?—His Majesty's mental health is insane.

Adverting to the state of his Majesty's mental and bodily health, during his present indisposition, as far as it has come under your observation, are you now of opinion that his Majesty's recovery is probable or improbable?—I think his Majesty's recovery is improbable.

In what degree do you consider his Majesty's recovery to be improbable?—I think it to be very improbable.

Are you of opinion that it is hopeless?—Certainly not.

On what do you found your opinion that his Majesty's mental situation is not hopeless?—His Majesty has no symptoms of fatuity; if his Majesty had those symptoms, I should certainly consider it as a hopeless case.

Digitized by Google

Do you consider that in all mental disorders not accompanied by fatuity, there is always some hope?—I certainly think there is a chance of recovery.

In the course of your practice, have you frequently had hopes founded upon such reasoning realized?—Certainly.

Have you ever known a patient circumstanced as his Majesty is, as to mental disorder and period of life, recover?—I have known patients older than his Majesty recover.

With the same degree of mental disorder?—Not with the same degree of mental disorder; I have seen very few cases of persons so old as his Majesty.

Do you conceive that the peculiar situation of his Majesty, circumstanced as he is, with regard to his regal dignity, has any effect upon his distemper?—I think there is a vast deal of irritation about his Majesty, which is seldom seen in patients in general.

Do you conceive that any degree or portion of his Majesty's disorder, is ascribable to his being a King?—I think certainly that the anxiety and cares of government may possibly have contributed to the disorder.

At this moment do you think that the sense of his own situation as being the Sovereign of the country, has any effect one way or other upon the state of his mental health?—I should think not.

Does his Majesty shew any anxiety on the subject of public affairs?—I have had very few opportunities of seeing his Majesty; during my presence with him, I have not observed any thing of the kind.

Do you conceive that his Majesty's station has, or has had, or is likely to have any, and what effect upon his mental disorder?—I conceive that his Majesty has not suffered from his high situation, as far as I have had an opportunity of observing, during my attendance.

Do you think that the reflection, upon his own regal state, when his mind is in a state of progress towards recovery, might have any effect either in retarding or accelerating that recovery?—I think it might have some effect in retarding that recovery.

How long ago is it since you first saw his Majesty?—The first time I saw his Majesty was the 9th of October.

Have you seen the King regularly from the 9th of October?—I have been at Windsor ten different times; the first seven weeks I was there once a week; went on the Friday, and came back on the Saturday; the three last visits once a fortnight.

Have you witnessed any improvement in the King's mental state latterly?—I am not aware of any improvement. [Withdrew.

Dr. Samuel Foart Simmons, called in; and examined.

Q. Is the state of his Majesty's health such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—*A.* It certainly is.

What is the present state of his Majesty's bodily health?—Upon the whole, very good.

What is the present state of his Majesty's mental health?—A state of great derangement.

Adverting to the state of his Majesty's mental and bodily health during his present indisposition, as far as it has come under your observation, are you of opinion that his Majesty's recovery is probable, or improbable?—Improbable.

In what degree do you conceive it to be improbable?—It is difficult, perhaps impossible, to say.

Are you of opinion that it is hopeless?—I am not.

How long have you attended the King?—From the 9th day of October.

Upon what do you ground your opinion, that the King's recovery is improbable?—On the different attacks, and the repeated attacks, his Majesty has had; his age; and what I have observed occasionally of the symptoms of the disease under which he now labours.

Did you ever see any person as old as his Majesty, and labouring under the same degree of mental derangement, recover?—Several.

Did you ever see any person as old as his Majesty, and who had so long laboured under the same degree of mental infirmity, recover?—I have seen persons as old as his Majesty recover, after, I think, a longer duration of the disease than the present attack.

After as many repeated attacks as his Majesty has had?—With respect to the number of attacks, I have had occasion, in hospital practice, to see persons who have gone through a long life, occasionally subject to attacks of this kind; I have known persons attacked ten, twelve, or more times, and recover from each of those attacks.

And die of age at last?—Yes.

Not in a state of insanity?—I cannot

Digitized by Google

immediately recollect instances, but I believe I may venture to say, that I have known some die of other disease, and not in a state of insanity.

Their last attack having come upon them at the age his Majesty has now attained?—That is hazarding a great deal; it would require time and reference to records to answer that question; but I certainly have seen patients as old and much older than his Majesty, recover from attacks of this kind.

You say that you consider his Majesty's recovery as improbable?—I do.

You say you have known persons as old as his Majesty, and labouring under an equal degree of mental derangement, recover?—Yes.

Then why do you think his Majesty's recovery improbable?—Because the number of recoveries of persons of that age is very small in comparison with the number of recoveries of those that are younger, the instances of recovery become less in the advanced periods of life. In St. Luke's hospital, we find that to be so much the case, that for the last three years, it has been resolved to admit no person above the age of seventy; before that, we were not restricted in point of age; and in the course of about thirty years there have occurred (for I looked over the Reports) about seventy-eight instances of persons of seventy years and upwards who had been admitted, and of that number only about sixteen had been discharged from the books of the hospital as cured: whereas, taking the whole number of patients during that period, the number amounting to above six thousand, about one half or very nearly half have recovered, but only one patient in five of that advanced age have recovered.

Is not the state of his Majesty's constitution and general health remarkably strong, considering the period of his life?—His Majesty's constitution is so good, that I should rate him as a man of sixty, in point of health, now at this moment.

Have you perceived latterly any symptoms of improvement in his Majesty's mental health?—I have thought, for the last month, his Majesty detailed anecdote, and seemed inclined to listen to what was said to him by those about him, rather more than he did at the beginning of my attendance.

Do you consider that as any material symptom of improvement?—I have thought it rather a favourable sign.

Do the symptoms of his Majesty's present disorder differ in any respect, and in what, from those which you had an opportunity of observing when you attended his Majesty in his illness in 1804?—The state of his Majesty's ideas is very different from what it was in 1804; the fact is, that the symptoms of mental disease must be in a great degree the ideas of the patient; it is not like a bodily disease, you can judge of the state of a man's mind only from the ideas he gives forth, and they are in many respects very different from what they were when I attended his Majesty before.

Do the differences which you observed in his Majesty's present and past state lead you to form conclusions more or less unfavourable to his ultimate recovery?—More unfavourable.

Have you ever discovered any symptoms of fatuity in his Majesty's case?—I have not.

Do you, on account of the absence of that symptom, think less unfavourably of his Majesty's recovery?—More favourably.

Have you been in the habit of classing the different descriptions of mental disorder?—That is a matter of so much difficulty, that I have not attempted it any more than the common distinction of mania and melancholia; low spirits, and high spirits, or more or less of irritability.

Do you conceive the loss of sight in his Majesty would have any effect in retarding or accelerating his recovery, or rendering it more or less probable?—The number of cases of blind persons that I have met with, who have been insane, has been extremely small; they do not amount to more than seven or eight; they have been all of them unfavourable cases; and it is difficult to say what effect blindness may have, with respect to the treatment of an insane person; in some points it may be favourable, but in general one would suppose it was rather unfavourable. You cannot guide and manage the patient so well as if he could see.

Do you mean by unfavourable cases, cases in which the patients did not recover?—Yes.

Do you conceive that the reflection upon his regal state, when his Majesty's mind is in a state of progress towards recovery, might have any effect whatever in retarding or accelerating that recovery?—His Majesty has appeared to retain a consciousness of his regal state, and that seems to have given a peculiar feature to

Digitized by Google

his disorder, and makes it in some degree different from that of an ordinary case; but I should find it very difficult to say how far that would retard or promote his recovery; it makes the case rather more difficult to conduct.

Have the goodness to state, whether you consider his Majesty's perceptions as clear and distinct?—His Majesty's perceptions, with respect to any objects that are presented to him, are correct; but he has a number of ideas floating in his mind that are extremely erroneous: but he judges of the objects immediately around him, his food and those things, with great precision; speaks of the goodness of a dish, whether he likes it or not, and knows every thing presented to him; so far his perception is correct.

Does his Majesty's memory appear to be at all affected?—His memory is firm and good.

Do you draw any inference from that circumstance, with respect to the probabilit yor improbability of recovery?—That is certainly a favourable circumstance.

[Withdrew.

Lunæ, 13° *die Januarii*, 1812.

The Right Honourable CHARLES LONG, in the Chair.

Dr. Sir HENRY HALFORD, Bart. called in; and examined.

Q. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament; or of attending to any kind of public business?—*A.* It is such as to render him incapable of coming to his Parliament or attending to any kind of public business.

What is the present state of his Majesty's bodily health?—Not good, by any means.

What is the present state of his Majesty's mental health?—Extremely disordered.

Adverting to the state of his Majesty's bodily and mental health, since your last examination before a Committee of the House of Commons, are you now of opinion that his Majesty's recovery is probable or improbable?—Improbable.

In what degree do you consider it as improbable?—Very improbable.

Are you of opinion that his Majesty's recovery is hopeless?—No.

On what do you found the opinion, that his Majesty's recovery is not hopeless, though very improbable?—It is very improbable, from the character of his present symptoms; from the duration of the disorder, and from his Majesty's advanced period of life; but above all, from the influence of his Majesty's peculiar situation and circumstances, upon his irritable constitution: but his Majesty's faculties of perception and memory are not impaired.

When did you first form an opinion that the recovery of his Majesty was very improbable?—In the beginning of July last I thought it improbable; and the continuance of his symptoms since that time has made it very improbable, in my opinion.

Do you expect that his Majesty will recover?—I do not expect that he will recover.

Is his Majesty in a state to converse upon public affairs?—Certainly not.

Has there been any period since your last examination, when his Majesty's life has appeared in immediate danger?—No.

Is there any such danger existing now?—I think there was not when I left Windsor on Saturday; but I have reason to think that within the last four and twenty hours the King has not been so well.

Had any fresh accession of disorder taken place before you left Windsor on Saturday, or had you reason to apprehend that it was coming on?—His Majesty was under circumstances to make one rather suspect that it was coming on, than that it had established itself.

Could you ascribe the aggravation of the symptoms that was coming on, to any particular cause?—No.

Is his Majesty's bodily health more impaired now than it was six months ago?—I do not think it is.

Is his Majesty in a worse state of bodily health than he was when you were last examined?—No.

Have you observed any signs of amendment in his Majesty since the beginning of December?—There have been several occasions on which the violence of his Majesty's disorder appeared to be so far abated, and his mind seemed so far cleared up as to admit of his detailing anecdotes of past times accurately, but not to exercise a sound judgment on present circumstances.

Since the beginning of December, has his Majesty shewn generally more disposition to conversation?—His Majesty has frequently shewn himself rather more capable of conversation.

Has his Majesty, in any of those conversations to which you have referred, ad-

Digitized by Google

verted to the circumstances of his own situation?—Yes. By watching the turn of his Majesty's thought, and the remarkable energy of his expressions, it is obvious that his mind has been deeply stricken by the supercession of his authority. I think it is important to state this, because it has a greater weight in determining the opinion which I have formed as to the great improbability of his Majesty's recovery, than the particular symptoms of his complaint. [Withdrew.

Dr. JOHN WILLIS, called in; and examined.

Q. Is the state of his Majesty's health such as to render him incapable of coming in person to his Parliament, or of attending to any kind of public business?—*A.* His Majesty is incapable of doing either.

What is the present state of his Majesty's bodily health?—His Majesty's bodily health I have thought somewhat improved since I saw his Majesty first, which was the 9th of October; but not within the last week.

What is the present state of his Majesty's mental health?—There is a very great degree of derangement, and particularly bordering on insanity, having very much the symptoms of insanity; at the same time rather unusually and occasionally with delirious characters.

Adverting to the state of his Majesty's mental and bodily health during his present indisposition, as far as it has come under your observation, are you of opinion, that his Majesty's recovery is probable or improbable?—Very improbable.

Are you of opinion, that his Majesty's recovery is hopeless?—No, certainly not hopeless.

On what do you found your opinion, that his Majesty's recovery is not hopeless?—I think it has not arrived at that fixed point, at which cases generally are hopeless; it has not so decidedly that fixed character of insanity to render it hopeless.

Do you expect that his Majesty will recover?—No; I do not expect that his Majesty will recover.

When did you leave Windsor?—This morning.

What was his Majesty's state at the time you left Windsor?—A very indifferent state.

Is it worse than it was last week?—Yes; I think it is certainly worse than it was last week.

Has there been any aggravation of symptoms within the last three days?—I think there has; they have bordered more on the symptoms of delirium, perhaps not to a greater degree than I have seen since the 9th of October, but, as compared with ten days or a fortnight before, there was then a better appearance. From the 9th of October to the 23d of November, I saw his Majesty only three days.

How often do you visit his Majesty now?—I have been resident at Windsor ever since the 18th of November, with the interval of the last week; I returned on Saturday.

There appears, in a Report presented to the House of Commons from her Majesty's Council, to have been the correction of an opinion given by one of the physicians in his first examination; were you the physician who so corrected your opinion?—I was.

Were there any grounds upon which you could form a different opinion from that which you gave in your first examination, before the second took place?—I do not know, with regard to my own feelings, that I formed a different opinion; but I found that I had not used a word with its proper import, being perhaps in the habit of using the word 'despair' in a more light manner than I ought to have been: I did not mean that I did despair totally; but one is perhaps apt, when speaking to the friends of a person who ask whether they shall remain longer or not, or whether you despair, to say, I conceive a person may recover, but I cannot be without despair, or I cannot help despairing; but on hearing read the words I had used, "I cannot help despairing," with an emphasis laid upon them, I was struck with them as conveying a meaning much stronger than I intended. I had not been in the habit of attending the Queen's Council.

Did you mean more by saying you despaired of the recovery, than that you did not expect a recovery?—No, I did not.

You attended the King on former illness?—Yes.

Is his mental state worse now than occurred at any time during those previous illnesses when you saw his Majesty?—Very considerably worse than I had seen his Majesty before.

You stated, that you were called in on the 9th of October; has your attendance upon his Majesty been pretty constant since that time?—From the 9th of Oc-

Digitized by Google

tober I saw the King only to the 12th of October, and was called in again on the 18th of November; since which I have attended his Majesty regularly.

Since your attendance became pretty constant, have you ever witnessed any thing approaching to a lucid interval in his Majesty's case?—I have seen several times in which the King could hold conversation extremely well for a short time, but his Majesty was always liable to the disorder pressing upon the mind again at any moment. The King has held certainly good conversations.

Do those conversations appear to you to be of a favourable tendency?—Certainly one cannot help having a hope from hearing those conversations, but it requires to get to a further advanced point to be able to say that it is really an amendment; it is often what takes place when derangement is gradually ceasing.

Then the derangement of the King's mind is not such as to leave you without hope at any moment?—It had yesterday much of a feverish tendency; it was more difficult to interrupt the King from the influence of disorder on his mind; but there is generally a capacity in the King to answer any sort of questions.

Since your attendance upon his Majesty, has there, in your judgment, been any appearance of progressive improvement?—I can hardly so well call it progressive improvement, as occasional; there were many days on which there was a great degree of quiet that has taken place at different times since the 23d of November.

Is your opinion upon the improbability of his Majesty's recovery as strong now as it was on the 9th of October?—It is.

Do you consider his Majesty's disorder, in general, nearest allied to delirium or insanity?—For the most part, during the greatest part of the time I have seen his Majesty in his present indisposition, it has been nearest allied to insanity. [Withdrew.

Dr. ROBERT DARLING WILLIS, called in; and examined.

Is the state of his Majesty's health such as to render him incapable of coming in person to his parliament, or of attending to any kind of public business?—His Majesty's state is not such as to enable him to come to his parliament, or to attend to any kind of public business.

What is the present state of his Majesty's bodily health?—The present state of his Majesty's bodily health is by no means good, though it may be considered, generally speaking, better than under the circumstances of want of air and exercise might have been expected. This morning, his Majesty is in an extremely agitated and nervous state, which has been increasing for some time past.

What is the present state of his Majesty's mental health?—The state of his Majesty's health is worse at present than it has been at any time since his attack.

Adverting to the state of his Majesty's mental health since your last examination before a Committee of the House of Commons, are you now of opinion that his Majesty's recovery is probable, or improbable?—Extremely improbable.

Are you of opinion that his Majesty's recovery is hopeless?—I do not think it impossible; but I really hardly know how to apply the word hopeless in a medical sense, it is only applicable to a state somewhere between extreme improbability and impossibility, but that is a state which is so extremely difficult to ascertain, and in the greater number of instances will be as transient, that I hardly know how to apply the words. I do not think it impossible, but it is in my opinion all but impossible.

When did you first form your opinion, that his Majesty's recovery was extremely improbable?—I began to have a very indifferent opinion of his Majesty's state, soon after the beginning of the paroxysm in July; and as the symptoms have never given way in any respect, my hopes have continually decreased.

Is there any thing peculiar in the aggravated symptoms which have shewn themselves within the last three days?—Nothing peculiar; nothing that we have not seen in several aggravated states before.

Are the symptoms themselves more aggravated than they have been at any previous time?—No; I have seen his Majesty in the same state several times.

Are the symptoms which have appeared within the last three days, such as to endanger his Majesty's life?—In any other individual I think they would; but I have so repeatedly seen the King in the same state, and have seen them give way afterwards, that I can hardly say that I consider his Majesty's life as in danger from these symptoms.

Referring to the answer given to the third question, respecting the state of his Majesty's mental health, did you mean to convey to the Committee that his mental

Digitized by Google

health is now worse than it was after the paroxysm came on in July?—I think it is.

Do you mean to confine your answer to that question, merely to appearances within the last three days?—No; nothing has taken place within the last few days to increase the mental symptoms. The mental symptoms have regularly increased since July; they have never diminished.

Has there been no abatement of symptoms, at times, since the beginning of December?—No abatement of the essential symptoms. [Withdrew.

THE PRINCE REGENT'S ANSWER TO THE ADDRESS.] Lord G. Thynne reported to the House, that his royal highness the Prince Regent, having been attended with their Address of yesterday, was pleased to receive the same very graciously, and to give the following Answer:

"Gentlemen,

"I thank you for this dutiful and loyal Address. Your assurances of the continuance of your support in the great contest in which we are engaged, are highly gratifying to me, and I have the greatest satisfaction in receiving the new proof of your affection and loyalty to the King, my father, which is afforded by your readiness to provide amply and suitably for his comfort and dignity under the pressure of the severe calamity with which it has pleased the Almighty to afflict him."

ECCLESIASTICAL COURT——PETITION OF MARY ANN DIX.] Lord *Folkestone* said, he rose for the purpose of laying before the House the Petition of a very humble individual; but, he was sure, it would not, on that account, meet with less attention, particularly when it was known that this person had been treated with great oppression. The Petitioner was a young woman of the name of Dix, residing in Bristol, and who, for two years, had been imprisoned in the gaol of that city, having been excommunicated by the sentence of the Ecclesiastical Court. The circumstances were briefly these. Two women, of whom the petitioner was one, fell out, and abused each other in the street. In consequence of some expressions made use of by the Petitioner, her opponent instituted a suit against her in the Ecclesiastical Court, and at the end of a year and a half, she was sentenced to perform penance. Having failed in this, she was ultimately excommunicated. A process afterwards issued out of the King's-bench, under which she was arrested; and, for two years, she had continued a prisoner in the gaol of Bristol. Being a pauper, she had no means of subsisting herself there, but was relieved by her father, who was himself a pauper, and received occasional assistance from charitable persons. As the costs of the suit amounted to 30*l.* and she was destitute of money, no hope of her liberation from prison could be entertained, unless by the intervention of the House. In different Insolvent acts, clauses had been introduced for the relief of persons in her situation; but in that which had passed last session, no such clause had been inserted. In the Perpetual act of the 33d of his majesty, another mode of relief was pointed out; but of this she could not avail herself, as the expence which must necessarily be incurred, amounted to 5*l.* and she was not possessed of such a sum. Even if she were prepared to take the benefit of that provision, she could not claim it, except at the assizes, and, as they were held but once a year, she would be obliged to suffer an imprisonment of nearly 12 months longer. These were the circumstances under which the Petitioner requested the interference of the House. He intended, at present, only to move, that the petition do lie on the table; for, on reading it, those who were at all conversant with the regular proceedings of the Ecclesiastical Court, with which he had endeavoured to make himself acquainted, would see that divers irregularities had taken place, in the case of this woman. Therefore, those persons who were connected with the proceedings, might desire to have some opportunity of explanation, before the subject was agitated by the House. He, at the same time, gave notice, that on this day se'nnight, he would submit a motion on this and several other similar cases, which had come to his knowledge. — The Petition was then brought up and read as follows:

"To the Hon. the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

"The humble Petition of Mary Ann Dix, of the parish of Saint Mary Redcliff, in the city of Bristol, spinster, a prisoner in his Majesty's gaol of Newgate, in the same city—

"Sheweth—That in or about May, 1808, your petitioner was cited by the name of Mary Dicks, to appear personally in the episcopal consistory court of Bris-

Digitized by Google

tol, to answer to Elizabeth Daniel Ruffy, wife of Daniel Benjamin Ruffy, of the same parish, officer of excise, in a cause or suit of defamation or slander.—And your petitioner, in obedience to the citation, appeared personally in court on the day and time therein appointed, but no proctor was employed on her behalf to defend the said suit; your petitioner being then only between 18 and 19 years of age, without any money of her own, and her father being only a poor labourer at the wages of fourteen shillings a week, and having a wife and five other children dependant upon him for a maintenance.

"That your petitioner continued to attend personally at the court, on every court day, for several months successively, and then went in a place of service at Bath, for about three months; and during her absence her mother attended the court for her, but was told by the plaintiff's proctor publicly in the court, that her attendance was of no use, and that she must send her daughter.

"That upon your petitioner's return from Bath, she again attended the said court, and continued to attend it in her own person, until the end of the suit.

"That in the course of the proceedings in the said cause, your petitioner was, by a sentence in writing, enjoined penance, and condemned in costs, which were afterwards taxed at the sum of *12l. 7s. 11d.* And in a subsequent stage of the proceedings, your petitioner was publicly denounced, and declared excommunicate, in the parish church of St. Mary Redcliff, for not performing her penance, and not paying the said costs; although your petitioner was never admonished to extract a schedule of the said penance out of the registry of the said court, and perform the same according to the tenor and purport thereof; and was totally ignorant of the time, place, and manner, in which it was to be performed; and although your petitioner was then a minor, and wholly incapable, from her own and her father's poverty, to pay the said costs.

"That your petitioner has further learnt, that there has been an increase of the costs subsequent to the period when they were taxed, and that the plaintiff's proctor now requires payment of the sum of *30l.* as the total amount of the costs; which sum your petitioner is wholly incapable of paying, and which she has not the slightest hope or prospect of ever being able to make good.

"That, on the 22d day of November, 1809, your petitioner was attached, on the writ *de excommunicato capiendo*, directed to the sheriffs of the city of Bristol, and taken to the gaol of Newgate, in the same city, where she has been ever since imprisoned under, and by virtue of the said writ.

"That during the whole of her confinement, your petitioner has been without any means of providing for her own support, and that she would have been long since starved, but for the assistance of her father, and the bounty of benevolent persons.

"That your petitioner has been informed, that on divers occasions the legislature has looked upon persons in her situation in the light of debtors, but that her poverty will effectually preclude her from availing herself of the relief provided by the Lords' act; and that when she attempted to avail herself of the benefits of the late insolvent act, she was informed that it did not apply to her case.

"That, therefore, your petitioner begs leave humbly to represent to your honourable House, that she has been for now more than two years confined unjustly, for not performing her aforesaid penance, and not paying costs, which she was legally, as a minor, and practically, as a pauper, incapable of paying. That she has no means of providing herself with sustenance, and no hope of deliverance, unless through the interposition of your honourable House.

"And your petitioner therefore humbly prays, that you would graciously take her case into your serious consideration, and give her such relief as to you in your wisdom shall seem meet:

"And your petitioner shall ever pray.

The Mark of

"Witness, ⋈

"Thomas Sanders. MARY ANN DIX."

The Petition was ordered to lie on the table.

DEBTORS IN THE ISLE OF MAN.] Mr. *Horner* presented a Petition from a number of persons imprisoned for debt in the Isle of Man, (of which place they were not natives), praying the intervention of the legislature in their behalf. The hon. and learned gent. stated, that the Petitioners were the same persons whose grievances had been laid before the House in the course of the last session. When the Bill for the relief of Insolvent Debtors

Digitized by Google

in England and Wales, was in its progress through that House, a clause extending its provisions to strangers in the Isle of Man, had been inserted. The other House had, however, rejected it, on the ground that they were not sufficiently informed of the state of the law in that part of the empire, to authorise them to legislate for it. This, he conceived, was a very hard case, and contrary to the first principles of justice. Persons, who were natives of the island, and were imprisoned for debt, had a right to demand their liberty, on giving up all their effects; but strangers, who contracted debts there, did not partake of this privilege; they must either liquidate them, or lie in prison. The object of the petitioners was, either to have the local law of the island extended to them, or to be protected by the provisions of the acts passed for the relief of the debtors of the United Kingdom. He submitted to the House, that this was a case on which some particular provision should be made. It was his intention, therefore, to introduce a bill on the subject; but he would previously furnish the House with such information, as would serve for its ground-work.

The Petition was ordered to lie on the table.

SELECT COMMITTEE APPOINTED ON THE PUBLIC INCOME AND EXPENDITURE OF IRELAND.] Sir *John Newport* said, in rising to make his promised motion for the re-appointment of the Select Committee on the Public Income and Expenditure of Ireland, he should not have thought it necessary to trouble the House with many words, as the measure had been recommended from the throne, but he felt it proper to account for his making a motion, which, on the first view, might seem to come more properly from ministers. In doing this, he must call their attention to certain circumstances which had taken place in the last session. It would be recollected, that he had endeavoured to bring the subject of Irish Finance under the consideration of the House, a long time since; and the propriety of a Finance Committee originated with him. In the last session of parliament, notice of a defalcation in the revenue of Ireland was taken by the House. Several sessions preceding, he ineffectually endeavoured to call their attention to this object, which was certainly one of very considerable moment. However, the evil went on increasing till it became so alarming as to be noticed in the Speech from the throne, at the commencement of the last session. But, although that was the fact, no proposition was made on the subject, till, on the 19th of March, he called the attention of the House to those points, and proposed a set of Resolutions.* It appeared to be the opinion of many members, that the House could not enter into the consideration of the subject-matter of those resolutions, until documentary information was laid before them. In consequence, he withdrew those Resolutions, and immediately after moved for the appointment of a Committee to enquire into the state of the Finances of Ireland, and to report thereon to the House. This motion was negatived by a considerable majority, which included the Chancellors of the Exchequer for England and Ireland, and, he believed, all the other members of administration who were present. But, it was worthy of remark, that within six days after his motion had been negatived, the Chancellor of the Exchequer for Ireland proposed the formation of a Committee exactly similar to that for which he had moved, and which had been so recently rejected. The measure having been agreed to, the Committee proceeded in its researches; and, at the close of the session, great credit was taken in the Speech for the benefit resulting from a measure, which had originated with him, but which, on his proposition, had been negatived. At the commencement of the present session, the re-appointment of the Committee was called for from the throne; and, he would ask, had he not a right to come forward and lay claim to the honour of having originally proposed this measure, which had been afterwards stolen from him? He had only to add, with respect to the Report of that Committee, that he hoped any error, or apparent error, which was discernible on the face of it, would not be repeated. He had noticed one, which, if it had occurred in an Irish parliament, would certainly have been set down as a proof of their propensity to blundering. In that report he observed, under date of the 14th of June, a statement was made, founded on evidence, which evidence, by referring to the index, appeared not to have been given till the 1st of July following. The circumstance was of importance; for it was in that particular part,

* See Vol. 19, p. 494.

Digitized by Google

attempted to be shewn that the defalcation had been occasioned by temporary causes. The deduction appeared to have been made on the 14th of June, and the evidence on which it was founded, was adduced on the 1st of July! He could not avoid expressing his surprise, that the Report should have been made up at a period, when many of the members of the Committee had left town. He hoped this would not again occur, because it was not right that such a composition should be sent forth to the public, purporting to be the Report of the Committee. Having stated thus much, he would now move,

"That the several Accounts and Papers presented to the House in the last session of parliament relating to the Public Income and Expenditure of Ireland, be referred to a Select Committee; and that they be directed to enquire and report to the House, what has been, during the last 21 years, ended the 5th of January 1812, the increase and redemption of the public funded debt of Ireland, and what was the state and amount thereof on the said day; what has been the progress of the permanent revenue of Ireland during the same period, and what may be the expected future annual produce of the taxes now existing in that country; what has been the total expenditure of Ireland in each year of the same period, distinguishing the amount expended on account of the joint expenditure of Great Britain and Ireland, or which may appear to be still due on that account; and what was the amount of the unfunded debt and demands outstanding and unprovided for in Ireland on the 5th of January 1812: And likewise to take into their consideration the accounts relating to the trade and navigation of Ireland during the same period, and report the same to the House, together with their observations upon the whole of the matters referred to them."

The *Chancellor of the Exchequer* said, it would be necessary that some of the documents connected with the motion should be brought down to the latest possible date, and not, as they at present stood, to January 1811. He could assure the right hon. baronet, that he never had the smallest intention of depriving him of the fame and glory of originating this measure. He should be very sorry to think that the fame of the right hon. baronet stood on so slight a foundation, as to be affected by such a circumstance. He certainly remembered the occurrence; but, as it did not make a very strong impression on his mind, perhaps the recollection of the right hon. baronet was more accurate. There had been a distinct and specific motion on the Finance of Ireland, and it appeared to him and others, as he stated at the time, that it would be better to have an inquiry on the subject, before a discussion was entered into. If he did not forget, he in his speech on the occasion, gave a notice on that very point. But, the moment the Resolutions were disposed of, the right hon. baronet, attacking his 'fame and glory,' took the matter out of his hands, and immediately made a motion of that very description to which he had alluded in his speech. It was then negatived, and, being renewed on a future day, was acceded to. But it had not been taken up in consequence of any thing which fell from the right hon. baronet; for notice of such an intention had been given before he made his motion. If the right hon. baronet felt it right to step out of the way to make the present motion, he was by no means dissatisfied with him; the appointment of the Committee was all he desired. He did not feel inclined, in the smallest degree, to oppose the right hon. baronet if he proposed the Committee, as it originally stood, with the exception of any members who might be out of town. With respect to the statement, that part of the Report appeared to be founded on evidence of a later date than the Report itself, he was extremely sorry the Chairman of the Committee was not present, who, of course, was more competent to explain the matter than he was. But, certainly, it did appear, that some discretion had been given to the Chairman, in drawing up the Report; and, documents had been furnished at a period when some clerical error might have been committed. He had nothing further to state, than that he was very willing the right hon. baronet should share in all the fame and all the glory of the measure.

Sir John Newport said, there certainly had been an understanding that those papers which came in, when the Report was in a state of forwardness, should be then examined. It was not of that he complained; but of the introduction of a new principle, an endeavour to account for the defalcation in the revenue of Ireland, from accidental and temporary causes. As to the members of the Committee, he would propose no alteration from last session, with the exception of

Digitized by Google

two names, and those he wished to be excluded, as they had not attended the Committee once during the last session, and were at present out of town. As he wished the Committee to be active and efficient, he would propose the hon. member for Cork (Mr. C. Hutchinson) in the room of Mr. Maurice Fitzgerald; and lord A. Hamilton, in the room of Mr. Leslie Foster. Both the individuals he had named were deeply interested in the researches of the Committee. Indeed, he conceived, the hon. member for Cork ought to have been on the Committee originally.

The *Chancellor of the Exchequer* observed, that the substitution of the hon. member for Cork, in the place of another gentleman from the same part of the United Kingdom, could not be objected to; but he could see no good reason for placing the noble lord, who represented a northern part of the kingdom, in the room of Mr. L. Foster.

Sir *J. Newport* said, his wish was to have gentlemen from every part of the kingdom on the Committee. He then proposed his Committee, which was the same as that of last session, with the exception of the hon. member for Cork, and lord A. Hamilton.

The *Chancellor of the Exchequer* objected to the nomination of his lordship. He considered that the right hon. baronet had no right to arrogate to himself the exclusive privilege of nominating the members of the Committee. He had already introduced one new name, and, certainly, it was not just, that the second should also be of his proposing. He had no objection to let the Committee stand as it originally did; and, when he considered that that Committee had given the most general satisfaction, he thought it was hardly reasonable that any alteration should be made. If, however, it was thought expedient that a gentleman connected with North Britain should be on the Committee, he would propose Mr. Houston, member for Glasgow, as a very fit person.

Sir *J. Newport* denied that the nomination of the Committee was with him. It was exactly constituted as proposed by the right hon. gentleman last year, with the exception of two names; therefore it was he who had the nomination. It was his wish that members should be taken from all sides of the House; and it could not be disputed that the gentlemen on the opposite side were fully represented. He surely could not be fairly considered as arrogating any exclusive privilege to himself, when he asked that the whole Committee should remain untouched, with the exception of two persons. He would go farther, and say, that, when it was a defalcation in the revenue which was to be considered, perhaps it would be better to pursue the mode acted upon by the Finance Committee of England, of which ministers were not allowed to be members.

The *Chancellor of the Exchequer* did not mean to accuse the right hon. baronet of attempting to make the exclusive nomination of the Committee. If he had used the word exclusive, it was merely in reference to the two new members.

Sir *J. Newport* said, he would, under all the circumstances, consent that the Committee should consist of the same members as last year, with the exception of the hon. member for Cork, in the room of Mr. M. Fitzgerald. This could not, he thought, be opposed, as it was merely an exchange of members from the same side of the House.

The *Chancellor of the Exchequer* had no objection to this. He could not, however, help observing, that the right hon. baronet's desire to introduce members from different parts of the kingdom, appeared to have escaped his memory very suddenly.

The Committee was then agreed to.

CHARITABLE DONATIONS' BILL.] Mr. *Lockhart*, in pursuance of notice, made his motion respecting Charitable Donations. He observed that it was a subject of great importance—that money bestowed for charitable purposes was in some degree public money, and required public vigilance. He then stated, that, thirty years ago, the amount of contributions was, in personal property, as much as 50,000*l.* per annum, and, in real property, 250,000*l.* which must now, by accumulation, amount to nearly half a million. It was of great consequence that such a sum should be properly accounted for and administered. He therefore proposed, that all real property and all personal property belonging to charitable institutions should be registered; that the names of the trustees should be inserted in a registry, to be lodged in the office of the clerk of the peace; and that a duplicate of this should be kept in the court of Chancery. He had before recommended in cases of misconduct an action by the common informer against the trustees; but as this had been

Digitized by Google

objected to, he would abandon it, and propose in its room, that it should be in the power of two or more persons interested, to petition the lord chancellor, or the master of the Rolls, or the barons of the Exchequer, to hear and determine on any abuses thus presented to their notice, and at their discretion to make orders respecting them, with or without costs. He thought that no well-intentioned person could object to a plan of proceeding in which all due allowance would be made for error and inadvertency, and which would tend to secure foundations so extensively useful to the country. He insisted that some measure of this sort was highly necessary, as from the mal-administration of trustees, arising either from negligence or dishonesty, many of these foundations had been abused, many were in danger of entire decay, and many were totally lost to the country. The hon. and learned gent. concluded with moving, "That leave be given to bring in a Bill, for the Registry of Charitable Donations, and providing a more summary remedy for the Correction of Abuses therein."—Leave was accordingly given to bring in the Bill.

Consolidated Fund.] Mr. *Fremantle* moved that there be laid before the House a return of the income and charge upon the Consolidated Fund for the years ending the 5th of January, 1810, 1811, and 1812, together with an Account of the War taxes during the same period.

The *Chancellor of the Exchequer* observed, that the hon. gent. had done him the honour to communicate to him the motion which he had just submitted to the House, together with two others of a similar nature, which he understood it was his intention also to propose. With respect to two of these three motions, he had no hesitation in objecting to them, because they would produce only what would be found in the annual accounts, which by law must be laid before parliament. When those accounts should come before the House, the hon. gent. might extract such parts as he required, and on them found any motion that he thought proper. As to the third motion, he had told the hon. gent. that if he would wait twenty-four hours, he would inquire whether the papers to be produced by it were in the same predicament as those to which he had just alluded, and if not, that he would consent to their immediate production.

Mr. *Tierney* said, that he understood his hon. friend to wish not for the details of the accounts, but for the result. It was well known that the detailed accounts were never presented until a very late period of the session, and he contended that such a mode of opposition as that resorted to by the right hon. gent. would put a stop to all motions for papers relative to Finance.

The *Chancellor of the Exchequer* denied that these accounts were presented at a period so late as that described by the right hon. gent. He had no objection whatever to the production of the information, but he saw no reason for departing from the ordinary course.

Mr. *Horner* thought the opposition of the right hon. gent. quite novel in its kind. During his short experience of parliament, he had every session seen motions agreed to, for papers in distinct anticipation of the annual accounts. The papers moved for by his hon. friend were indispensible, in order to remove the anxiety which the mutilated statements in the public prints respecting the Revenue, had occasioned in the public mind. It was well known that a large volume of public accounts was usually presented about March; that it was then sent to the printer's, and that it was towards the end of the session before the House obtained that financial information so desirable at an earlier period. It was singular that while the right hon. gent. was opposing the present motion, his noble colleagues had, as he understood, acceded to a similar one in the other House.

The *Chancellor of the Exchequer* repeated that he had no objection to the production of the information; but that if the ordinary course was sufficient for that purpose, it appeared to him to be idle to depart from it. If the hon. gent. would withdraw his motion, and give notice of it for to-morrow, by that time he should be enabled to ascertain how far the above observation was applicable to it.

Mr. *Fremantle* consented to withdraw his motion for the present, and to give notice of it for to-morrow, but not for the reasons alledged by the right hon. gent. He distrusted the financial statement which the right hon. gent. had yesterday made; and he was anxious before that most important subject, the state of the finances, should come to be discussed, that the House should be in possession of all possible information with respect to it.

Digitized by Google

RESOLUTION RESPECTING ORDERS AND NOTICES.] The *Chancellor of the Exchequer* proceeded to propose the revival of the Resolution of last session, by which alternate precedence was given throughout the week to Orders and Notices; and for that purpose, moved, "That in this present session of parliament, all Orders of the day, set down in the Order book for Mondays and Fridays, shall be disposed of before the House will proceed upon any motions of which notices shall be entered in the order book."

Mr. *Whitbread* allowed that a regulation like the present might afford some convenience to ministers, but contended that it injured freedom of discussion, and impeded members of parliament in the discharge of their duty. The Resolution of last session had been suggested by the inconvenience to public business, which the long inquiries of the two preceding sessions had occasioned. Those inconveniences, however, would probably not recur in the present session, and even if they did, they were not, in his opinion, so weighty as the evils attendant upon the regulation proposed by the right hon. gent. If, however, any regulation of that nature was to be adopted, at least it ought to be one of impartial justice. This had not been the case in the last session, for on days when, by the regulation, notices were to take precedence of orders, ministers had assumed the right of calling for particular orders, on the plea of expediting the public business. For his part, he was against all regulation of the kind; but if any were adopted, he would wish it to go further than that proposed by the right hon. gent.

The *Chancellor of the Exchequer* maintained, that the regulation in question could in no degree have the effect of injuring freedom of parliamentary discussion. It would still be in the power of any member to bring forward, in cases of emergency, motions without notice, although, in the ordinary course of affairs, it must certainly be deemed advisable, by giving notice of a motion, to prevent that surprise which would frequently otherwise compel the House to rescind on Tuesday the business which it had done on Monday. All this would be left in the same state after the adoption of the regulation as before it.

Mr. *Abercromby* concurred in the protest of his hon. friend, against the proposed regulation. He was far, however, from imputing this proposition of the right hon. gent. to any improper motives. He only imputed to him the error of exposing the House to a real and permanent evil, in order to get rid of a supposed and temporary inconvenience.

Sir *J. Newport* moved as an amendment to the resolution, "That on the days upon which precedence was to be given to Orders, they should be brought forward in exact rotation as they stood on the paper in the order-book."

The *Chancellor of the Exchequer* objected to this amendment, as a great innovation on the practice of parliament. If it were adopted, the natural consequence of it would be, that all the great business of the nation might be impeded by the second readings of contested private Bills. It was well known that the Committees of Supply and Ways and Means were fixed only the day but one before their occurrence; and should the right hon. baronet's Amendment be adopted, it was evident that all other business, however comparatively insignificant, that might have been fixed at an earlier period for the same days on which those important Committees were to take place, would have precedence of them.

Mr. *Ponsonby* allowed that there was some weight in the objection of the right hon. gent. He admitted that there might be some inconvenience arising from the proposition of his hon. friend; but it was an inconvenience which grew out of the novel practice of the right hon. gent. himself. For his part he had never witnessed any attempt to break in upon the old established usages of parliament, that was not attended with great inconvenience, and he therefore advised the House to pause before it agreed to the motion of the Chancellor of the Exchequer.

Lord *Folkestone* supported the Amendment, and declared that he had never known an instance of a debate on a contested private Bill having been carried on beyond six o'clock in the evening.

The House then divided,

For the Amendment.....15
Against it.....58
Majority.....—43

The original Resolution was immediately agreed to.

MOTION FOR A SUPPLY — COLONEL M'MAHON'S SINECURE.] On the motion, That a Supply be granted to his Majesty,

Mr. *Grenfell* rose and insisted upon the necessity imposed upon the House of examining into several subjects connected

Digitized by Google

with the public revenue, before they entered into the consideration of the Supply which should be granted to the crown. He complained that no step had been taken to put in practice the recommendations contained in the reports respecting the abolition of sinecures and places. It would be impossible for the House to remove the scandal which attached to it in consequence of the number of placemen on the benches, until they took the reports to which he alluded into due consideration. Not only had no attempt been made to decrease the number of placemen who were members of that House, but the evil had even been aggravated. Since the last session, three new offices, the Clerk of the Council, the Marshal of the Admiralty, and the Paymaster of the Widows' Pensions, had been given to members of Parliament. The situation of a Master in Chancery had also been conferred on another member, evidently for no reason, but for his political conduct. There was also an old member of that House, (sir John Sinclair), long known as an indefatigable agriculturist, who had suddenly been made a Collector of the Excise. Could it be believed, that the office of Marshal of the Admiralty was conferred on the individual who enjoyed it, for any thing but his vote in that House? Could it be believed, that the offices of Master in Chancery, and Collector of the Excise, were conferred on the individuals who enjoyed them, for any thing but their votes in that House? Was all this right, amidst the distresses in which the country was involved? The motion with which he meant to conclude would be a general one, that he might not be accused of taking any member by surprise; but he felt the imperious duty, surrounded as they were by the influence of the crown; an influence continually increasing, and exercised in defiance of all decency—to endeavour to call the attention of Parliament to this important subject. One of the places to which he had alluded, he should wish to speak of with great delicacy. He meant the office bestowed on colonel M'Mahon. He had the good fortune to be well acquainted with that gentleman, and he sincerely believed that a more honest and faithful servant never lived in the court of any prince whatever. Any reward that might be given to colonel M'Mahon by his royal master, was an act not of grace, but of justice. But he insisted that those who had advised his royal highness the Prince Regent to do what he had done, had been guilty of gross injustice to colonel M'Mahon, and gross injustice to the people of England. They had placed col. M'Mahon in a most invidious situation, and they had advised the Prince Regent to commit a great outrage on the House of Commons. Twenty-nine years ago it was stated in the 10th Report of the Commissioners for Public Accounts, that the office of Paymaster of Widows' Pensions was a perfect sinecure, that it was useless, and that it ought to be abolished. In one of the Reports of the Commissioners of Military Inquiry presented to the House four years ago; the Commissioners referred to the former report of the Commissioners of Public Accounts, confirmed the opinion therein given, and stated, that on the decease of the patentee, general Fox, they presumed that the office would be abolished. Since the last session general Fox had died, and in the face of the two reports which he had mentioned, the ministers of the crown had advised his royal highness the Prince Regent to confer the office on colonel M'Mahon. Where was the use of naming commissioners, of placing gentlemen in an invidious situation, and of involving them in a multiplicity of fatigues, if the crown continued to give places in spite of the opinions which those commissioners declared? In his opinion, Parliament ought to offer to the Prince Regent, with respect and humility, their sentiments on the advice which he had received. At present, he called upon the House to pledge themselves, and he would move it as an Amendment to the motion before them, that they would take into their earliest consideration, the various offices of emolument recently granted by the crown to several of their members.

The *Speaker* was of opinion, that no Amendment could be made to the motion before the House. The proper course appeared to him to be, to move the postponement of the motion, for the House to resolve itself into a Committee of Supply.

Mr. *Creevey* acquiesced, and moved as an Amendment, that the House would to-morrow se'nnight resolve itself into a Committee of Supply, in order to give an opportunity in the interim, for the consideration which he had suggested.

The *Chancellor of the Exchequer* thought that, though there were sufficient grounds for opposing the motion, from the nature of the proposition which it involved, it was not sufficient merely to oppose

Digitized by Google

it, without taking some notice of the statements which had been made. In the selection which had been made of persons to fill public offices, since the last session of parliament, the hon. gent. thought he discovered a something that justified him in concluding that there was a great abuse and a great impropriety in appointing to these offices persons who were members of that House. He had to oppose what the hon. gent. had advanced on two distinct grounds. In the first place, it was obvious that where a member had been appointed to a situation which rendered him incapable of sitting in parliament, he could not come under the description of those of which he complained, and as the accepting of any office under government rendered it necessary for the party to vacate his seat, and for his constituents to determine whether or not he should again fill it, the hon. gent. ought, at all events, to have waited till such persons were again returned, before he came forward as he had done on the present occasion. But did the hon. gent. really think that the circumstance of a gentleman being a member of that House disqualified him from serving the public in an official situation? Did he think that if a barrister, for instance, had an opportunity of displaying great powers, and extraordinary talents, combined with extensive judicial knowledge, that all these should not be sufficient to recommend him to a public situation, because he was a member of parliament? Were they to understand that it was improper to appoint a member of parliament to an office under government, for no other reason, than that he was a member of parliament? To this it was that the hon. gentleman's reasoning came; for on every one of the appointments he admitted that the individual selected was not in other respects improperly chosen. Nothing was alleged against any one of the persons alluded to; no want of honour or of capacity to fill the situation to which he had been appointed, had been charged against either; and therefore if to the appointments made there was any objection, it arose solely from the circumstance of those on whom they were conferred having been thought worthy to sit in that House by a body of constituents who had chosen them to be their representatives. This was the first time he had ever heard such an objection called forth by any appointment that might have taken place. One of the persons mentioned in particular by the hon. gent. on this occasion, namely col. M'Mahon, he had not only been silent with respect to casting any thing like blame or discredit on his character, but he had done him the justice to bestow a very high eulogium on his uniform conduct. In doing this, the hon. gent. had done that distinguished individual justice, and no more than justice. As to the truth of all that the hon. gent. had advanced in his praise, he, as far as he had any knowledge of col. M'Mahon, was ready to bear his individual testimony. Notwithstanding all this had been fairly admitted, to propose such a person to the Prince Regent as a person peculiarly entitled to a public reward was characterised as disgraceful to the individual. This was the hon. gentleman's statement, and the appointment of col. M'Mahon was described as one as derogatory to the Prince Regent as it was insulting to parliament. As such it had been arraigned by the hon. gent., because the abolition of the office to which he was appointed, had been recommended by a Committee of that House. The hon. gent. farther supposed that the office had been given to col. M'Mahon by patent for life. Now really he thought that before the hon. gent. came forward with such statements as those which they had heard from him that night, he ought at least to have given himself the trouble of enquiring into the nature of the office to which the individual alluded to had been appointed. Had he done this he would have found, that the office of Paymaster of Widows' Pensions had never been granted for life, and was not held by such a tenure even by the late general Fox. If, then, it were held by colonel M'Mahon even as it had been held by general Fox, still it would not be held as the hon. gent. had supposed. So far was this from being the case, and so far was this appointment from being any thing that could throw discredit on the Prince Regent, or be felt as insulting to parliament, or even to a Committee of that House (which, however, was by no means the same thing) that even in its being given, a marked intention to observe their Resolution was to be traced. Far from being against its being renewed by parliament, and disposed of as to them should seem best, it had been distinctly communicated to col. M'Mahon, by his Royal Highness's command, that considering the circumstances under which the office stood, he was to hold it as subject to

Digitized by Google

any view that parliament might take of it. (Hear, hear!) He was surprised at the effect which this part of his speech seemed to have. Things appeared differently to different understandings. There might be some very great absurdity in what he had just uttered, but he was not aware that any thing had fallen from him to justify the triumphant cheers of the hon. gentlemen opposite. When the appointment of col. M'Mahon took place, it had been distinctly intimated to him, that he was not to consider that he had any hold on the office in question, that could prevent any adjudication of it which parliament might think proper to make. (Hear, hear!) It seemed from the conduct of the hon. gentlemen, that what he had just stated had only the effect of confirming the hon. gentlemen's objections to the appointment, and that they considered the office thus given, to furnish stronger grounds for complaint than if it had been granted to col. M'Mahon by patent for life. If such was the opinion of the hon. gentlemen, he was content to leave them in the full possession of it. With respect to that or any other sinecure, the House however would recollect the course of its own proceedings. It had been resolved that no sinecures ought to be abolished till some other provision was made for accommodating public servants. The case of col. M'Mahon was that of an individual whose services merited a public remuneration. The power of giving pensions, instead of bestowing sinecures, had not been granted to the sovereign, and under those circumstances, the office in question falling vacant, it had been given to as worthy and as honourable an individual as the country could select, or the world afford. This however had been said to be disgraceful to the individual so appointed, derogatory to the Prince, and insulting to parliament. These observations it had been attempted to support, on the most futile grounds that could be well conceived, and on these it had been proposed to postpone the supplies called for by the country. The right hon. gent. concluded with expressing his hope that the proposition would not be acceded to, and that the amendment of the hon. gent. would be thrown out.

Mr. *Brougham* fully subscribed to all that had been said in praise of colonel M'Mahon, but was not the more satisfied with the manner in which the official situation to which he had been appointed, had been bestowed. Far from thinking that the high character of the individual justified the appointment, and that consequently it ought not to be looked into, he was of opinion that the more deserving the man, the more ought the appointment to be watched, as one fraught with danger and deserving reprehension. When a job was to be done, if a person generally obnoxious was selected to enjoy its profits, there was less reason to fear that men would forget their duty, and be cheated into silence, then when a man deservedly high in public estimation was so selected to enjoy a sinecure. The appointment, he contended, was insulting to parliament. It flew directly in the face of their resolutions. The abolition of the office of Paymaster of Widows' Pensions, had been recommended not merely by the commissioners of 1783, but that recommendation had been confirmed by the commissioners of military inquiry in 1808, in the strongest manner possible. The House itself in 1810, after no very mild debate, had given its sanction to the recommendation he had mentioned. In that year, after a great debate on the 31st of May and the 1st of June, and after one division, the House came to two resolutions which he would then read. The first he would call their attention to was of a very general nature, as it merely resolved, "That the utmost attention to economy is at all times the duty of parliament." The second resolved, "That it was the opinion of that Committee, that, in addition to the useful and effective measures already adopted for the abolition of sinecure offices, it was expedient to extend them to others, the duties of which were performed by deputy;" and a farther amended resolution, after a long debate, resolved, "That for this purpose, in addition to the useful and effective measures already adopted for the abolition of sinecures and of offices, the duties of which were executed by deputy, it was expedient to enable his majesty to reward in a different way those who had filled the high effective civil offices." He had the greatest respect for the high office held by colonel M'Mahon in the Prince's household, but he contended that this did not bring him within the meaning of the last resolution. It was only understood to mean those who held high effective situations in the courts of justice, in the army and navy, and in the public offices of state. With this feeling, it appeared to him a mere jest to talk of the situation

Digitized by Google

held by colonel M'Mahon as coming within the purview of the Resolution. The Resolution recommended the abolition of all offices which produced revenue without employment, and the regulation of those where the revenue and employment were disproportionate, with the exception of certain officers in attendance on the king, and having a respect for the situation of persons at present interested therein. The reports both of the Commissioners of 1783, and of 1808, recommended the abolition of the two offices of Paymaster and deputy Paymaster of Widows' Pensions, as being unnecessary, the one having very little to do, the other nothing at all. The office of Paymaster had in particular been recommended to be done away on the demise of general Fox. Now, what had been done by ministers when that event took place? Why, at a time when the House was not sitting, and parliament had no opportunity of addressing the Prince Regent on the subject, they had advised it to be given to colonel M'Mahon? But then, said the Chancellor of the Exchequer, it was distinctly communicated to him, that he was to hold it subject to any future act of parliament. What was there in this? why, colonel M'Mahon held his own private estate subject to any future act of parliament. That he must so hold his sinecure was known to him before, and his having been told so then, only proved that they were conscious they were flying in the teeth of those principles which had been recognized by the House and its Commissioners. It had been said that it was not granted to general Fox for life, any more than to colonel M'Mahon; but if they turned to the report of 1783, they would see that no reason had been given for not immediately abolishing it, but that it was then held by general Fox. If, then, they had acted consistently with that recommendation, on his death it would have been abolished. That the grant of it to colonel M'Mahon did not prevent its being subject to a future act of parliament, was certain, but it threw an obstacle in the way of its abolition, and on this ground he could not but object to the appointment. With respect to what had been said on the subject of making an hon. gentleman a Master of Chancery, he could have wished it spared, and he regretted that his hon. friend had not confined himself to the appointments to offices which were purely sinecures. He censured the grant of Cashier of the Excise to a right hon. baronet, at a time when the Committee were debating on the expediency of its being abolished. He could not but condemn that conduct which threw an impediment in the way of relieving the public from the intolerable weight of sinecures; and, with the exception he had mentioned, fully concurred in the observations made by his hon. friend. When he considered what pains government had taken to fly in the face of the Resolutions of that House, he thought it extremely proper for them to pause before they granted the supplies.

Mr. *Croker* observed, that the last speaker had wished one of the late appointments had not been noticed, and he also could have wished that one had been omitted—that of the Clerk of the Council. That office was not a new grant. It had been given to the hon. gentleman 25 years ago, and he had succeeded to it by the death of its late holder, instead of obtaining it by a new grant. Perhaps the hon. gentleman was not aware that a new writ had that day been moved for in the room of that gentleman, on account of his receiving that office. He was surprised to hear the last speaker say that the communication made to colonel M'Mahon on his appointment, only proved that government were conscious they were acting wrong, and then go on to state that the only reason for its not being abolished in the time of general Fox, was that he held it by a tenure, of which it was thought he could not with justice be divested. It was because ministers were aware that such was the impression on general Fox's mind, and foresaw that one similar might have been made on that of colonel M'Mahon, if notice were not given that such an objection would stand no longer. The hon. gent. opposite had omitted to read part of the Resolution produced, which went to suggest the regulation of sinecures. It was necessary that it should be stated that that resolution had not been forgotten, and that colonel M'Mahon had only received the grant subject to such regulation as parliament might hereafter think proper to make.

Mr. *Creevey* observed, he had not said that the situations of clerk of the council, and master in chancery, were sinecures, but he had complained that two new placemen, the one holding a situation of 1,000*l.* per ann. the other of 3,000*l.* were thus brought into parliament.

Mr. *Brougham*, in explanation, said he had read the whole of the resolution, but

Digitized by Google

contended that the office of Paymaster of Widows' Pensions, was one which it was not proposed to regulate, but to abolish.

Mr. *Croker* remarked, that if the House were disposed to deal with that office at all, it was still open for them to do so, without injustice.

Mr. *Stephen* rose to address the House under evident feelings of agitation. He said he did not expect that he should have had to defend himself on an occasion like the present. He had, indeed, been appointed one of the Masters in Chancery, and he hoped his vigilant and conscientious discharge of the duties of that office would prove, at least, the sincerity of his wish to justify the preference that had been shewn. He could not, however, but consider it as somewhat unkind, that a motion like the present should have been made, and no previous notice of it given, that those who were to be attacked might be, at least, allowed time to prepare their justification. For himself, he was not present when the hon. gent. made the motion; and he had been able to collect its import only from the various explanations that had been entered into. He could not, however, sufficiently express his disapprobation of that system which was now becoming so prevalent, of inferring the impossibility that a member of parliament, holding a place under government, should be able to discharge his parliamentary duties conscientiously and with integrity. This was a morality not very much to be admired, and it was a gratuitous supposition very little honourable to the human character. For himself, without any offensive egotism or arrogance, he believed that he was as capable of feeling and acting independently at the present moment, as he was before he accepted the appointment alluded to. He would be bold to say, indeed, that no situation, no prospective, no actual reward, could influence him in his conduct as a member of parliament—nor did he mean to assume to himself a degree of virtue which he was unwilling to suppose in others. He had no doubt that when the hon. mover himself was Secretary to the Board of Controul, he discharged his parliamentary functions as uprightly and as honestly as he now did. He wished to think so, at least, and he was willing to hope it was so. But why did the hon. gent. inveigh with so much bitterness against those who held situations under government? Why did he consider it as a thing so beyond the probabilities of life that the same man could be an independent member of that House and a possessor of a place under government? Was he prepared to act in conformity to his principles? Had he renounced all hope of political and official preferment? Did he wish to be understood as expressing this? He could not conceive, indeed, why a faithful servant of the crown might not be likewise a faithful representative of his constituents. He saw nothing incompatible in the two stations; but if every one who occupied them was to be exposed to malignant insinuations, if he was to be immediately the object of suspicious rancour, honourable men would soon cease to accept such appointments, lest they should be forthwith regarded as having necessarily bartered their integrity for their places.

Mr. *Whitbread* observed, that the hon. and learned gent. who had just sat down had displayed rather more warmth than the occasion seemed exactly to demand. He agreed, however, with his hon. friend (Mr. Brougham) that it would have been better if the hon. mover had adverted to the situation of the Master in Chancery earlier, or not at all. No appointment had taken place with more publicity at the time, or had been more before the public: and if any thing was to be objected to, the proper time for bringing forward such objection would have been at a less recent period than the present. He was happy, however, to admit the great fitness of the hon. and learned gent. for the station which he filled, and which he was far from regarding as a sinecure. He conceived, indeed, that the intention of the hon. mover was not to censure the appointment, individually, but generally the practice of rewarding political votes by such appointments. In adverting to the case of colonel M'Mahon, he was not of opinion that the hon. gent. opposite (Mr. Croker) had entirely removed all its objectionable qualities. The principal feature of blame in the transaction was, that of appointing him, during the recess of parliament, to a situation which every one must know to be a sinecure, and therefore an incumbrance upon the public purse, and fit only to be abolished. Ministers, he thought, might, with more decency, have waited till parliament met, for there were no duties attached to the situation which called so imperiously for performance, that the omission of them would have been injurious to the public

Digitized by Google

service. The intimation of his provisional nomination which had been made to col. M'Mahon, and upon which so much stress was laid by the Chancellor of the Exchequer, appeared to him extremely futile and nugatory. The same might be said to any man receiving any species of appointment. To what did it amount? What actual efficacy had it as far as regarded the resumption of the appointment? Could it now be taken from colonel M'Mahon without some other remuneration being given in its place? He did not wish to be considered as having any personal hostility towards colonel M'Mahon. He was a man of whom he never heard an evil report in his life, so blameless was his conduct, both public and private. He was a faithful servant of his royal master. But he thought ministers had acted with great impropriety in advising the Prince Regent to reward his services by such an appointment. If they had studied to bring the Prince Regent into contempt, he thought they could not have hit on a better expedient for accomplishing their design. With regard to the appointment of Mr. Buller, as Clerk of the Council, he had no other objection to it than as it was the means of bringing another placeman into parliament. He had even said, that the presence of the hon. Secretary to the Admiralty might be dispensed with, as the first lord and another lord were there to give the House any information it might want on naval subjects. The sum of all was, that ministers had not only ill-advised their Prince, but had treated with studied contempt the resolutions of that House.

Mr. Secretary *Ryder* repeated what had been previously stated, that the grant of the situation of Clerk of the Council was not a grant of the present day. With respect to the appointment of colonel M'Mahon, he could not discover that the arguments of the first speaker had been at all advanced by those who followed on the opposite side. As to the question which the hon. gent. had asked, What inconvenience could be expected to arise from the situation of Paymaster of the Widows' Pensions being left vacant till the meeting of parliament? He certainly could not take upon himself to say that inconvenience was to be apprehended. He would, however, answer that question, by asking the hon. gent. another: What inconvenience could be anticipated from its being given as it had been given, leaving it open to parliament to abolish, to regulate, or to mollify it, as might to them appear proper?

Mr. *Whitbread* replied, that the objection was, that the appointment recognised a principle which he regarded as highly dangerous and reprehensible, that of bestowing public money without adequate service for it.

Mr. *Matthew Montague* professed himself to be one whose opinion it was that public services should be rewarded by places and sinecures; he did not wish to see government abolish all sinecure appointments until a sufficient sum was provided in order to remunerate those who would be thus dispossessed of what they now held.

The House then divided. For Mr. Creevey's Amendment, 11. For the original question 54.

List of the Minority.

Bennet, Hon. R. H. A.	Martin, H.
Brougham, H.	Osborne, Lord F.
Folkestone, Viscount	Tracey, H.
Hutchinson, C. H.	Whitbread, S.
Herbert, Hon. W.	*Tellers.*
Knight, Mr.	Creevey, T.
Lamb, Hon. W.	Westerne, C. C.

REPEAL OF THE LEGISLATIVE UNION WITH IRELAND.] Mr. *Hutchinson* rose and said, that notwithstanding what he had heard that night, with respect to originating motions without notice, he would assert the right which every member of parliament possessed of doing so; and would, therefore, proceed to address a few observations to the chair, on a notice which he was about to give. It was now the 13th year since the enactment of the legislative union between Great Britain and Ireland. It would be in the recollection of the members of that House, that at the time of the passing of that act, it was carried, in consequence—in direct consequence—of promises made on the part of the government of England, by persons in the highest stations, and with the sanction of the highest authority—

The *Speaker*. I conceive that the hon. member is not proceeding in a right course. I should like to know whether the hon. member is making a motion, or giving a notice.

Mr. *Hutchinson*. I do not wish, at this hour, to detain the House many minutes; but I insist on the right which every member possesses of originating a motion without the least notice, if he should so please.

Digitized by Google

The *Chancellor of the Exchequer*. Then, if the hon. gent. will insist on his privilege, it is right that that privilege should be ascertained. No member can make a motion, without the permission of the House, after five o'clock, if the regular orders of the day have been disposed of.

The *Speaker*. The right hon. gent. is right. If the orders of the day are disposed of, no member has a right to make a motion without the permission of the House.

Mr. *Hutchinson*. It was not my intention to state my objections at large against the continuance of the legislative union: I merely claimed my right as a member of parliament; but I see that as soon as one word on the subject of Ireland or the Union is said, no indulgence from the right hon. gent. is to be expected. I ask no indulgence from him; but if I am to be precluded from addressing a few observations to the chair, let the House remember that the right hon. gent., the Prince Regent's first minister, has prevented an Irish member—

The *Speaker* said, he had already stated what was the order of proceeding in that House.

Mr. *Burton*, after an experience of 30 years as a member of that House, entirely agreed with the Speaker as to the usage laid down by him.

Mr. *Hutchinson*, after a short interval, stated that he rose with the intention of giving notice of a motion on a subject of the very last importance, and he hoped to be indulged with permission to state, shortly, his reasons for making the motion of which he was now to give notice.

The *Chancellor of the Exchequer* again spoke to order. It was an established rule of the House, that no member, in giving notice of a motion for a future day, should be permitted to anticipate the debate of that day, by assigning the reasons by which he was actuated in giving his notice. The propriety of this rule was apparent, because there being no opportunity afforded on the other side of answering the reasons adduced, an undue prejudication of any particular question might thereby be occasioned. He was aware of the force of this objection on the present occasion, and was desirous of guarding the House and the public against any premature impression which the ingenuity and eloquence of the hon. gent. was calculated and likely to produce.

The *Speaker* held, that it had been the uniform practice of the House to confine members giving notice of a motion, to the precise purport of the motion, and the day on which it was to be brought forward.

Mr. *Hutchinson* then gave notice that he should, on the first Tuesday in March, move for the Repeal of the Legislative Union between Great Britain and Ireland.

HOUSE OF LORDS.

Friday, January 10.

VOTE OF THANKS TO LORD MINTO, &c. FOR THE CONQUEST OF THE ISLANDS OF BOURBON AND MAURITIUS, AND FOR THE OPERATIONS IN THE ISLAND OF JAVA.] The Earl of *Liverpool*, in rising to make his promised motion for a Vote of Thanks to the right hon. Gilbert lord Minto, governor-general of India, and to the officers who had acted under him, for the late brilliant operations in the Eastern seas, was aware of the difference of opinion which existed as to the degree of merit which entitled any individual to such high honour as that of the Thanks of that House. He was also aware, that such a mark of distinction should not be wantonly lavished; he knew, at the same time, that the House was ever willing to pay a due tribute of praise to meritorious services. But, in the present instance, he was not apprehensive that a want of sufficient merit could be urged, as an objection to the proposed Vote of Thanks. The House were not called upon to thank the Governor-General of India for a single service, but for a general system of operations, conceived in the most profound wisdom, executed with the most active determination, and attended with the most brilliant exploits. Those exertions had been eminently successful; and that success had been principally owing to the arrangements made by the noble lord, to whom he then proposed the thanks of the House should be voted. Considering the present system of aggrandisement on the continent of Europe, which France had too successfully practised, it had been thought advisable by the government of this country, to retaliate by attacking the colonial power of the enemy, in every part of the world. For it was obvious, that as long as he could retain a place of rendezvous, or shelter his privateers and fit out expeditions, our trade would be liable to annoyance, far exceeding, in amount, the expences of expeditions intended to deprive him of his last shelter. Under these cir-

Digitized by Google

cumstances, it was thought necessary to make France feel, that the ocean was the undisputed domain of Britain; and that ships, colonies, and commerce, those favourite objects of the ruler of France, were at the mercy of this country. The system had been successfully carried into execution in the West Indies, and there the object was not to make new acquisitions, or even to retain conquests as valuable possessions; for the expence of keeping them would far out-balance any direct commercial advantage; but to drive France from those seas, and to give additional security to our old colonies. That policy so successful in the Western hemisphere, was applicable to every part of the world, and more especially to the East; for it was notorious, that with the settlements France possessed in those seas, and especially with the islands of Mauritius and Bourbon, a comparatively small force of the enemy might annoy, to an immense extent, the shipping of the East India Company, and the general interests of Indian traders. It was, therefore, thought adviseable to apply that system to the East, but it was not till December, 1808, that government came to that resolution; and instructions were accordingly sent to the governor-general to see whether the islands of Mauritius and Bourbon could not be reduced by blockade; and the island of Rodriquez was occupied in consequence of these instructions.—Here the noble earl gave a brief account of the operations which had taken place in consequence. But it was not till the month of June, 1810, that instructions were sent to the governor-general of India, to see if those islands could not be reduced by main force. The noble lord should add, in order to set the merit of the governor-general of India in its proper view, that the moment he saw what were the intentions of government, he felt all the importance of the object they had in contemplation; and finding himself no longer restricted by his first instructions, to a system of blockade, he, according to his own views and conceptions, and on his own responsibility, took the necessary measures for the reduction of both islands. Measures had, in the mean time, been preparing at home for the same object; but the governor-general anticipated them, and the merit of these captures at that time was solely due to him. In January 1809, the governor-general had contemplated the reduction of Java as the chief seat, not of the Dutch, but of the French power in India. He had called the attention of the East India Company to that subject, and government had come to the same determination, which they delayed only till they should have been apprised of the fall of Mauritius and of Bourbon, as the danger was more immediate from those settlements. The governor-general was, in consequence, authorised to take the necessary steps for the reduction of Java, as soon as the conquest of these islands should have been achieved; but the merit of the plan was solely to be attributed to him. The season of the year was to be consulted in all maritime expeditions, but more especially in those seas. Doubts were entertained as to the expedition being able to proceed with safety at that time of the year. But lord Minto, not relying on ordinary information, and knowing the importance of speedy measures, used his own discretion, sought among able seamen for the result of their experience, and on his own responsibility discovered a course of navigation hitherto unknown. Under these circumstances, and considering the extensive views, the consummate wisdom, and the manly decision so eminent in lord Minto's conduct, the noble earl thought him justly entitled to the thanks of the House. It was held as a general doctrine, that the thanks of the House ought to be confined to military and naval services; and, in fact, political services were more liable to misrepresentation. But every general principle admitted of exceptions for salutary purposes; and his lordship trusted, that what he had advanced, brought the present case within the scope of these useful exceptions. This was, in fact, to be considered as a military service, undertaken from the wisest political considerations, and with the most comprehensive and statesman-like views. In the consideration of lord Minto's merit, the House should not, however, forget the gallant officers who had acted under him. In the conquest of the islands of Mauritius and Bourbon, they should recollect the wise arrangements and spirited conduct of General Abercromby; and he had only to name commodore Broughton and Rowley, to excite in every heart sentiments of admiration and gratitude. As to Java, the governor-general wisely foresaw the danger of suffering the formidable preparations of the enemy to grow into maturity. He saw that a new empire was about to be created, which threatened the security

Digitized by Google

of our possessions in the East; and sir Samuel Achmuty, impressed with the same ideas, in spite of the most disadvantageous circumstances, rushed on to strike a decisive blow, and pursued the flying enemy. To the merits of colonel Gillespie, and major generals Warde and Wetherall, the House could not be insensible. In short, those united exertions had not only wrested from the enemy the remains of an empire, but what was of more consequence, the beginning of a new one.—The noble earl, after recapitulating the praises he had already bestowed on the framer of those enterprises, and on the officers by whom he had been so ably seconded, trusted that the House would not refuse them the just reward of their services; he then moved, "That the Thanks of this House be given to the right hon. Gilbert lord Minto, governor general of the British possessions in the East Indies, for the wisdom and ability with which the military resources of the British empire in India have been applied in the reduction of the power of the enemy in the Eastern seas, by the conquest of the islands of Bourbon and Mauritius, and by the recent successful operations in the island of Java; and that this House doth attribute the brilliant and important successes which have crowned our arms in that quarter of the globe to the vigorous system of well-concerted measures so wisely adopted and steadily pursued by Gilbert lord Minto."

The Earl of *Moira* rose to express his perfect concurrence in the praises bestowed by the noble Secretary of State on the governor-general of India. No doubt could be entertained but those valuable conquests were owing to his wise arrangements, and if a precedent had been wanting to vote the thanks of the House for political services, the present was a fit case to form one. His lordship then recapitulated the exertions of the officers employed in those expeditions so wisely planned, and whose services he considered not only as brilliant but as eminently useful. He could not, however, go to the length of approving the noble secretary of state, when he said that a system of colonial aggression was meant as a counterbalance for immense acquisitions on the continent; for he was convinced, that such a vast increase of European dominions, must sooner or later carry with them ships, colonies, and commerce. His lordship had always been of opinion, that it would have been preferable for England to employ her forces in resisting the enemy on the continent, than in conquering colonies, which only extended the already too vast cemetery of our brave soldiers. This was, however, the only observation he should make, and, as a soldier, he considered the noble Secretary of State entitled to his particular thanks, for having so manfully stepped forward to obtain for his fellow-soldiers the proudest reward of their exertions.

The Earl of *Buckinghamshire* also heartily concurred in the motion, conceiving there could be no doubt that in this instance the thanks of the House were most justly due, and as a connection of lord Minto, he returned thanks to his noble friend the Secretary of State, for the liberal manner in which he had appreciated the services of that noble lord.

Lord *Grenville* considered himself bound in honour to declare, that, since he had sat in that House, he had never heard a more manly, generous, and statesman-like speech than that delivered by the noble Secretary of State, it did him great honour; and with that feeling, he would not delay the House by useless observations. He had himself frequently recommended to the House to be sparing of their votes of thanks, as it was the highest honour which could be conferred on an individual; and he asserted that opinion the more willingly at a moment when he most heartily concurred with the motion, than when he was reluctantly forced to oppose that reward being bestowed on otherwise meritorious services. But the thanks of the House were not to be the reward of easy victory, however useful; difficulties overcome would alone entitle the conquerors to those thanks. But, in the present case, as the noble Secretary of State had justly observed, success was not only the result of wisdom, prudence, and discretion, but also of courage and resolution. Success had been, in a great measure, owing to the noble resolution of the governor-general of India, to assume an awful responsibility, when every thing seemed to combine to deter him; and, in spite of all those disadvantages, he did not hesitate to step forward to serve his country. His lordship would even go further than the noble secretary of state, who had said that by custom, military and naval services seemed entitled exclusively to the thanks of the House; he thought political services of such a nature were eminently deserving of that high reward, but it would be invidious if the officers who

Digitized by Google

had concurred in those noble achievements, were not included in them. Here the noble lord briefly adverted to the services of the officers employed in the various expeditions, but observed that it would be only waste of time to detain their lordships, as he not only concurred heartily in the motion, but also professed that the noble Secretary of State was entitled to his acknowledgments, for having so ably made out a case in which the thanks of the House were most legitimately due.

The Earl of *Liverpool* then moved the thanks of the House, in the usual form, to lieutenant-generals Abercromby and sir Samuel Achmuty: to vice-admiral Albemarle Bertie and rear-admiral Stopford: to major-generals Henry Warde and Augustus Wetherall; and all the officers, both European and natives, employed under them: to commodores Broughton and Rowley. He also moved, That the House do approve of the conduct of the non-commissioned officers and privates, and seamen and marines, employed in those expeditions.—All these motions were agreed to, *nem. con.*

HOUSE OF COMMONS.

Friday, January 10.

VOTE OF THANKS TO LORD MINTO, &c. FOR THE CONQUEST OF THE ISLANDS OF BOURBON AND MAURITIUS, AND FOR THE OPERATIONS IN THE ISLAND OF JAVA.] The *Chancellor of the Exchequer*, in rising to move the Thanks of the House to the different persons for whom he should propose them, thought it necessary to state, that though, undoubtedly, the recent great and glorious exertions which had led to the conquest of Java, would most particularly call for notice, yet it would not be just to the persons concerned, if the House were to take so narrow a view of the subject, as to confine its attention to that achievement alone. To the conduct of the governor-general of India he should particularly call their attention. To the wise and well arranged plan which he had formed, was, in a great degree, owing that ultimate success with which our arms had been crowned. At the commencement of the present war, an intimation had been given to the East India Company, to guard them against expending large sums in expeditions against the French East India islands. Intelligence, however, was received by the governor-general of India, in the year 1808, that the islands of Bourbon and of the Mauritius were in such a situation that it might be expected a well-timed blockade would compel them to surrender to the British. From subsequent information as to the state of defence in which the island of Bourbon then was, he conceived himself justified in sending out a small expedition against that island, and at the same time he had it in contemplation to prepare a more important force to proceed against the Mauritius. The same intelligence that led lord Minto to form this design, reached this country about the middle of the year 1810, in consequence of which, instructions were sent by government to the governor-general of India, to attempt the conquest of the Mauritius. By this fortunate coincidence, it happened that when instructions to that effect reached India, the armament, which, upon his own responsibility, lord Minto had previously prepared, was ready to sail immediately. That expedition proceeded without loss of time to its destination, and succeeded in effecting its object in the December of the same year. Every thing that occurred in the prosecution of that enterprise was highly creditable to all parties concerned in it. General Abercromby, who commanded, had proved himself possessed of all the necessary qualifications to enable him to discharge his duty in a satisfactory manner, and was in every respect fully equal to the task which had been imposed on him. It was however thought, that though the conduct of that gallant general in itself could not be too highly commended, yet that conquest singly was not of sufficient importance to call for the thanks of parliament.—This at least was the view taken of the subject, and till it was followed up by those ulterior successes which had followed, it was not thought expedient to bring the subject forward. There was one circumstance connected with this expedition which he thought it his duty to mention, as it was so creditable to captain Rowley, that it could not with justice be passed over. Before the capture of the Mauritius, it would be recollected that a force had been fitted out for the purpose of destroying the French frigates which were in its neighbourhood. This attempt, though successful in the first instance, was subsequently, through various accidents, so unfortunate that our naval superiority in those seas was lost, and for a short period, our force was inferior to the French force on that sta-

Digitized by Google

tion. Things were in this situation, when, by the distinguished exertions of captain Rowley, by a vigorous display of all that could prove him worthy the confidence of his country, that superiority was wrenched from France by his valour, and transferred to Britain. The turn thus given to things in that quarter, contributed not a little to the success of the expedition, as if, on its arrival there, it had found the naval superiority on the side of France, that circumstance might have considerably embarrassed its operations. At that time, the governor-general of India repeated the observations he had previously made to his government on the importance of Java to France. He was aware that reinforcements were expected from Europe, and before these could arrive, he was anxious that it should be taken military possession of by an English army. He thought it necessary for the security of our commerce and possessions, that the enemy should be dispossessed of it, and proposed, as soon as the troops should return from the Mauritius, to employ them in this service. For this new enterprize he was then preparing, and he trusted that instructions to attempt it would arrive before the expedition was ready to sail. Instructions were received from this country, in April. It was afterwards apprehended that the season was too far advanced for it to be made at that time. Considerable naval difficulties had seemed to oppose themselves to the undertaking, and here peculiar credit was due to lord Minto. He had made such examinations with respect to the course of navigation to be pursued, as greatly forwarded the object in view. From the ordinary course of navigation in those seas, considerable obstructions were to be feared. These were so very great, that the officer to whom the naval part of the expedition was to be trusted, expressed considerable apprehensions on that head. These, however, were completely dissipated when the plan which lord Minto had formed was explained. Admiral Drury died in March, and the command in consequence devolved upon commodore Broughton. The whole force sailed on the 31st July, under the directions of rear-admiral Stopford. The governor-general in person accompanied this expedition, in order to make such inquiries and form such arrangements as were likely to be conducive to the ends for which the conquest was undertaken. The landing was effected at a place called Chillchilling, situate about 12 miles east of the city, on the 4th of August. Some difficulties, it was apprehended, would be thrown in the way of the army's progress, by the city of Batavia. This, however, was not done, as the French evacuated it at the approach of the English army, and it was taken possession of by the invaders on the 9th of August. The enemy had retired to a strong position, which they had previously prepared, about two miles in advance of their works, at Fort Cornelis. Their position was defended by an abattis, occupied by 3,000 of their best troops, and four guns of horse-artillery. There they were attacked by colonel Gillespie, who had so greatly distinguished himself throughout the operations, with the greatest gallantry, and compelled to retire, leaving behind them 500 dead. It was here stated by the gallant general who commanded, that though thus far successful beyond expectation, the difficulties of the enterprize were not yet surmounted: the enemy, greatly superior in numbers, was strongly entrenched in a position between the great river Jacatra, and the Sloken, an artificial water-course, neither of which were fordable. This position was shut up by a deep trench, strongly pallisaded. Seven redoubts, and many batteries, mounted with heavy cannon, occupied the most commanding grounds within the lines. The fort of Cornelis was in the centre, and the whole of the works was defended by a numerous and well organised artillery. The season was too far advanced, the heat too violent, and our numbers insufficient, to admit of regular approaches. To carry the works by assault was the alternative, and on that he decided. The situation in which the enemy presented himself was such, that to different officers, and to different men, it would have furnished an obstacle sufficiently formidable to prevent any farther advance. The general knew the officers and the men he had to command, and determined on an assault. On this occasion colonel Gillespie led the attack with such spirit, that the enemy flew before him as if they had no means of resistance. The whole of the business was conducted in the ablest manner, and while the loss of the enemy was very severe, ours was remarkably slight, as the greatest loss experienced was caused by the explosion of a battery, which our victorious troops had taken possession of. A variety of different attacks were necessarily made; each

Digitized by Google

was crowned with success, and it was difficult to say which had been conducted the best. The very able exertions of colonel Gillespie could not be praised too much. It was due to that gallant officer to state, that at the time he thus distinguished himself he was not in good health. He was very unwell, yet, unremitting in his exertions, he forgot his weakness in his zeal, and was only solicitous to discharge his duty. One instance of this he wished particularly to notice. When the enemy fled, and he saw the horse pursuing him, colonel Gillespie was heard to lament that he had no horse to join in the pursuit. A horse was then brought to him, which he was just about to mount, when exhausted by indisposition and the overstrained exertions he had made, he fainted on the spot. Colonel M'Leod also, who unfortunately lost his life in this operation, ought not to be forgotten. Than him, a braver officer had never drawn his sword in the service of his country. He fell, while nobly taking his part in the exertions of this glorious day. The destruction of the enemy had been immense, as an army of 10,000 men had been killed, made prisoners, or dispersed, with the exception of a small body, which had retired with the French general up the country. The conduct of lieutenant general sir S. Auchmuty, who commanded on this occasion, was entitled to the highest praise. In speaking of him, he had only to use the words of lord Minto. The right hon. gent. here quoted that part of the noble lord's letter, where he observes, that his sovereign will not forget the share sir Samuel Auchmuty had in the operations, nor his countrymen fail to appreciate the man who had so eminently distinguished himself.—It was almost unnecessary to state, that wherever the navy could take a part in the operations, all that could be done was effected by their zeal and valour. The manner in which the subordination of the army had been spoken of was a subject of much congratulation. There never was an instance of an army being in a country which afforded such temptations to plunder, deporting itself in a manner more regular and correct.—On the importance of Java, as an acquisition of territory, he would not speak at present, as he wished to avoid touching on any subject on which a difference of opinion might exist to disturb that unanimity which he hoped would accompany the vote. He would, however, say that the conquest of Java was of infinite importance. If it was not important as a colony gained to England, it was of great importance that it had been snatched from France. That the enemy had been dispossessed of it was of great importance to our East India possessions, as in the hands of France there was every reason to fear from the activity of the enemy, that it would be made the means of great annoyance to us. This had been perceived by the governor-general, and to him in particular were the thanks of the House due for the manner in which he had taken upon himself to prepare an expedition, and for the wisdom and skill with which all his arrangements had been made. He would therefore move, "That the Thanks of this House be given to the right hon. Gilbert lord Minto, governor-general of the British possessions in the East Indies, for the wisdom and ability with which the military resources of the British empire in India have been applied in the reduction of the power of the enemy in the Eastern seas, by the conquest of the islands of Bourbon and Mauritius, and by the recent successful operations in the island of Java; and that this House doth attribute the brilliant and important successes which have crowned our arms in that quarter of the globe to the vigorous system of well-concerted measures so wisely adopted and steadily pursued by Gilbert lord Minto."

Mr. *Sheridan* said, that he had not a moment's hesitation in concurring with the right hon. gent., that no thanks the House could bestow would be an adequate reward for the gallantry and discipline displayed by the British army; but however ungracious the task might be, he could not prevail upon himself to say, that the same claim existed on behalf of lord Minto, to justify the pompous phraseology employed in the motion just read. In the first place, it ought to be made out, that it was not only extremely essential to the success of the undertaking, but that it was absolutely necessary that the governor-general should forsake his station at Bengal, to enter on a voyage for six weeks or two months, to be present at the conquest of Batavia. Nothing but absolute necessity could justify the forsaking of the trust reposed in him elsewhere. Much merit had been attributed to lord Minto from the circumstance, that, at the time the dispatches from this country, authorising him to undertake the expedition against the Mauritius, every thing had been pre-

Digitized by Google

pared for that purpose, and yet on the first check received, the whole object of the armament must have been disappointed, had it not been for the admirable conduct of captain Rowley (whose merits could not be over-stated) who maintained, with an inferior force, the honour and superiority of our flag. Whatever applause, therefore, was due to captain Rowley for this circumstance, must of necessity be withdrawn from lord Minto.—The next merit attributed to the governor-general was, that the time of year the expedition against Batavia was undertaken, rendered the success extremely doubtful, and admiral Drury, who had been long in those seas, from the lateness of the season despaired of accomplishing the object; but that the governor-general had made himself, in Bengal, so much more master of the subject than the British naval commander, that it was determined to proceed. The right hon. gent. congratulated the House that lord Minto was so distinguished an admiral, and he hoped that he would likewise prove himself, without the aid of ministers, a great general: it was, however, no great compliment to our naval commanders, who had devoted their attention solely to matters of navigation. For was it to be believed, that so experienced an officer as admiral Drury, was to be instructed by the governor-general? and in this instance too, if any merit were due to lord Minto, it must be detracted in the same proportion from admiral Drury.—The right hon. gent. said he could by no means concur in the opinion expressed, that the importance of the acquisition to the nation was not to be contemplated in a question of this kind.—"You must not," said the Chancellor of the Exchequer, "enter upon that, for it will be sure to produce a difference of opinion." Unquestionably sir Samuel Auchmuty, colonel Gillespie, and the other brave soldiers engaged, had done their duty in obeying the orders of their superiors, and they deserved a reward for their valour; but when it was demanded of the House to pass a vote of thanks to the planner of the expedition, because it had succeeded, surely it would not be denied that now was the most proper time to consider what was the value of the acquisition. "No," said the Chancellor of the Exchequer again, "you must not inquire whether it is worth the many precious lives it has cost? Whether we can quit it without leaving the natives to certain destruction? or whether certain destruction will not attend our troops if they remain?" These inquiries were to be passed over; inquiries which he would like to have answered by some of the East-India Directors, who, by some unlucky accident, on a question in which they were peculiarly concerned, were all absent from the House: Why, if the conquest was worth the blood it had cost, were they backward in giving their share of applause?—There were no terms of approbation too strong as applied to sir Samuel Auchmuty, for his skill and intrepidity, because he had been compelled to engaged in a project, than which it was confessed none was more hazardous; and at one time he had no choice between adventurous fortitude and a disgraceful retreat: either Fort Cornelis must be taken by storm, or the expedition relinquished; for a regular siege would have destroyed our army. The right hon. gent. over the way would not deny, that before the storming of Fort Cornelis was determined upon, it had been in agitation whether the British troops should not abandon a project, the success of which was almost visionary, and the reward, if the object were attained, but a name. Why was it necessary that lord Minto should accompany the armament? He had a rooted dislike to any civil controul being exercised over an army or navy. It savoured too much of the French revolution, where a deputy from the Convention always accompanied the troops—not to share the danger, but to participate in the glory.—He wished to speak with every respect of lord Minto—for personal respect he felt—but he could not but recollect something of his conduct in Corsica, towards the much lamented sir John Moore; which, if it had succeeded in influencing that highly valuable officer, would have rendered him a proscribed man over the face of the earth. The right hon. gent. concluded by saying, that he must be informed of the essential necessity of lord Minto's leaving the seat of government to superintend the operations of the expedition; and till he had official proof of the great merit and value of his personal attendance he could not, though it might appear invidious, concur in the pompous and elaborate panegyric which had been framed on the wisdom and vigour of that noble lord's system of operations.

Mr. *Yorke* observed, that he had taken a far different view of the subject from

Digitized by Google

the right hon. gentleman, and hoped to convince the House, notwithstanding the plausibility of what had been just stated, that lord Minto fully deserved the compliment proposed to be paid to him. After professing that, in a question of this kind, he dismissed all party feelings, he admitted that it was extremely fit to inquire, whether the object that was to be attained, namely, the dislodgment of the enemy from a post where he might greatly annoy our trade, was or was not worthy the means employed and the expence incurred; but he denied that those inquiries should extend to the question, whether it was wise or impolitic to retain possession of the island thus acquired? No man, he believed, would doubt that it was extremely desirable that the French should be driven from a situation where they possessed such extensive means of annoyance to our trade in the Indian seas, especially when it was recollected that of late years particularly, the employment of this station against Great Britain had been made so important an object with the French government. With regard to the peculiar merits of lord Minto, it was unnecessary to confirm what had been already so ably urged as to his lordship's merits in planning and arranging the subjugation of these islands. He admitted that the talents and judgment of commodore Rowley could not be too much praised, and he was glad that under Divine Providence, we had innumerable examples of a similar kind; yet it was not to be supposed that this circumstance only had effected the conquest of the Mauritius. No; to the talents of lord Minto Great-Britain was mainly indebted. Surely it was no small praise to say of the governor-general that he had forestalled, as it were, the wishes of his government. Was it no merit to a man to say that, at the very instant instructions arrived to make preparations for an important attempt, all the arrangements had been made, and, that the expedition was ready to sail? At least, it was but justice to say, that he had done more than even the most sanguine could expect.—The right hon. gent. who spoke last, had alluded to some transactions in Corsica. What they were, he was perfectly ignorant; but this he knew, that they had no bearing upon the present question: the true point to be considered was, whether there was any danger at all in lord Minto's leaving the seat of government? What was to prevent him? Were there commotions in Bengal? No. Was his presence required at that particular period? No. Was his presence required at Java? Undoubtedly it was most important, not only to the success of the expedition, but to the future settlement of the conquered island. Sir Samuel Auchmuty must have been comparatively ignorant of the intentions of the governor: whether it was intended merely to take military possession, or whether it was to be retained as a colony to be attached to the mother country: whether military or civil magistrates should be appointed; and a vast variety of other points, to decide upon which any person but the governor-general was incompetent. Under these circumstances he hoped the House would feel, that had his lordship remained in Bengal, he would have been deficient in a necessary and important part of his duty.—Much had been said on what, to his mind, was a most conspicuous instance of high desert in lord Minto, namely, that he procured the expedition to sail, although admiral Drury had at first expressed his opinion to the contrary. It was true that sir S. Auchmuty was of the same sentiment, and yet that lord Minto, by explaining to those gallant officers a new course of navigation to the west of Borneo, had convinced them that the expedition could sail, and reach its destination before the setting in of the S. W. winds; for it ought to be known, that while the expedition was only in contemplation, lord Minto had employed a captain Gregg, of great experience, to try the soundings of the new course by the Caramalla, and by shewing his report to admiral Drury and sir S. Auchmuty, they were convinced that the project was practicable. What then became of this ground of objection against the noble lord? A passage, through which before only small vessels had proceeded, was discovered, through which 100 sail might proceed with security. Under these circumstances, he trusted that the House would differ from the right hon. gentleman, and bestow the tribute of gratitude which distinguished services so justly merited. Before he sat down, he begged to refer to what had been stated, that at one time after the city of Batavia had been captured, the enterprize was found to be so hazardous, that lord Minto had it in contemplation to resign the attempt. On what authority such a statement was made, his majesty's ministers knew not, but certain it was that no such information had come to their know-

Digitized by Google

ledge. On the whole, he did not despair that even the right hon. gentleman over the way would be convinced by what he had said, and that the vote of thanks to lord Minto would be carried without a dissentient voice.

Sir *Henry Montgomery* objected to the vote of thanks to lord Minto, because he conceived that noble lord to have done little, if indeed he had done any thing, which could entitle him to so high an honour. Perhaps he rather deserved censure for some of the acts which had marked his visit to Java, one especially of which was to give freedom to all the slaves the moment he arrived; a proceeding which he could not but condemn, as they were the most blood-thirsty fellows imaginable. The hon. baronet then read some extracts from a private letter, which he had received from India, the purport of which extracts was to cast a portion of blame upon some of the actions of lord Minto, and he concluded by submitting to the House, whether they could, with any propriety, pass a vote of thanks to his lordship; though at the same time, he was entirely of opinion that every praise should be bestowed upon the gallant achievements of general Auchmuty and the army serving under him.

General *Tarleton* ridiculed the idea of a man of sir S. Auchmuty's abilities being sent out on an expedition with a nurse to superintend him. The House need not refer to the Deputies of the French Convention alone, to convince them of the impolicy of setting civil masters over military commanders, for if they looked to the wars of prince Eugene and the duke of Marlborough, the same fact was rendered most evident. Neither, in later days, could he think the sailing of far-famed sir William Curtis from the Downs, had any good effect on the Walcheren expedition. He bestowed a high panegyric on sir S. Auchmuty, to whose decision and temerity in, attacking Fort Cornelis, together with the valour of the army, he attributed the salvation of the whole force. On this ground he would give his negative to the vote of thanks to lord Minto, as decidedly as he would with satisfaction give his affirmative to the other votes.

Mr. *Grant*, after the discussion that had already taken place, would not occupy much of the time of the House, and the more so as there had been expressed no difference of opinion with regard to the military merit of the expeditions in question. But since the subject had been started, he felt himself bound to state his reasons for considering lord Minto as justly entitled to their thanks. He then entered into a defence of lord Minto's conduct on those points wherein he had been attacked. He justified his leaving his government, by the greatness of the occasion, and the example of many former governors, who, according to the system pursued in that quarter, were frequently in the habit of going out of their jurisdiction for far less important purposes. As for his lordship's voyage being connected with a controlling superintendance over the military, no candid man could entertain the idea; and as no injury or inconvenience had arisen from his absence, he ought, so far from being blamed, to be highly commended for his anxiety to be on the spot for the purpose of making the most beneficial arrangements for his country and the East India Company. For his part, he had not heard any thing of what the hon. baronet had asserted with regard to the manumission of the slaves; and would only observe, that first reports of that sort were generally very inaccurate and imperfect, and the repetition of them ought not to be lightly hazarded.

Mr. *P. Moore* thought the House ought not to come to this resolution till they had further documents on the subject, as, at present, they saw nothing to justify lord Minto for going out of his government. The hon. ex-director who spoke last on this occasion seemed willing to set aside a very good rule observed in another place, namely, never to vote thanks or a pension for services in India, till the party returned, and his whole conduct had gone under review and consideration. In his opinion, lord Minto had enough to do at the seat of government, and his absenting himself was extremely censurable. Neither could any thing be more improper than for a civil officer to go as a check with a military force; as an example of which, he had heard that if it had depended on lord Minto's opinion, the expedition would have been abandoned altogether on the eve of its accomplishment. He would therefore give his vote against the motion.

Mr. *Rose* professed his decided conviction that lord Minto had justly earned the thanks of the House, by the skilful and judicious plans which he had directed to be put in execution. In quitting his government, it was impossible that he could

Digitized by Google

have been actuated by any other motives than what were connected with the public good and with his public duty, namely, as governor general.

Mr. *Fremantle* agreed with the right hon. gentleman who spoke last, as to the motives by which it was evident lord Minto must have been influenced in his temporary departure from the seat of government. He thought, also, that the right hon. gentleman who opposed the motion, should have proved that during lord Minto's absence, any risk to the civil government was incurred, or that any injury was actually sustained. This, however, he believed could not be done. He regretted also, that it should have occurred to the right hon. gentleman to compare his superintendance of the military expedition to Java, to the controul exercised by a deputy of the French directory. With regard to that responsibility which every commander ought occasionally to assume to himself, in defiance of the strict line marked out for him by the government at home, he thought it the prime feature of a British commander, and it was such a responsibility that lord Nelson took upon himself when he quitted his station in the Mediterranean, and proceeded to the West Indies in quest of the French fleet. Under all the circumstances, therefore, he could not reconcile to himself to give a silent vote in favour of a man who had deserved so well of his country; of a man who had incurred every risk of responsibility which success might justify, but which, had he failed, would only have subjected him, perhaps, to ignominy and censure.—As to the statements of the hon. baronet, he himself had seen private communications of a very different tendency. While, however, he was in favour of the motion, he could not refrain from saying a few words as to the policy of the capture; and here, he was afraid, it might be justly said, that if we were to send British troops to keep it, we had gained a loss. We had not the means of sending out troops to garrison the country; and ought rather to communicate freedom and commerce to the natives, for the purpose of rendering them independent of every European power.

Mr. *Whitbread* said, that he had paid every attention to the subject under discussion which it seemed to him to require, and was sorry, therefore, that a vote of thanks should have been proposed to lord Minto, for, however unwillingly he might do it, he felt himself conscientiously bound to oppose the measure. He thought the question was not, whether lord Minto had done certain services to the country, nor whether he had acted with a certain degree of judgment and vigilance creditable to himself and beneficial to the British possessions in India; but whether he had performed such services, whether he had displayed such judgment and vigilance as might justly entitle him to so high an honour as receiving a vote of thanks from that House. Much had been already said, within those walls, of the prostitution of votes of thanks, and if the resolution then under discussion should be passed, it would, in his opinion, be another proof of that prostitution. Lord Minto might have great merit; Batavia might be a possession of great value to this country; but what had been done by lord Minto that could not have been done without him? What schemes of policy had he devised, what measures of utility had he effected, what achievements had he performed that could justify his absence? Was it a customary procedure of that House to pass votes of thanks to those who had planned successful and important expeditions? Certainly not. The First Lord of the Admiralty might have planned many which had been gloriously achieved; but did it ever occur to that House to vote him their thanks? He thought it was establishing a new and unnecessary precedent, and he regretted that the measure had been proposed, as it only tended to bring lord Minto's name and actions under a discussion from which they could not retire untouched, even though the resolution should be ultimately carried. The marquis Wellesley, indeed, had been thanked by that House for a noble and extensive plan for expelling the French from the Indian peninsula; but he conceived there was a vast difference between the two projects. While, however, he dissented from the motion which would convey the thanks of that House to lord Minto, he should most willingly concur in every praise that it might be judged proper to bestow upon sir S. Auchmuty, and upon the officers and men serving under him.

Mr. Secretary *Ryder* began by disclaiming any motives which might arise out of political or private acquaintance with the noble lord who was the object of the motion, in advocating the present vote of thanks. He would not go into any detail of the circumstances of the achieve-

Digitized by Google

ment so ably narrated by his right hon. friend, but would confine himself to the simple question; which was, whether the result of this most important campaign did not deserve the thanks of that House. The conquest of the Mauritius and the island of Java was by far the most important colonial conquest made in our East Indian history; not, perhaps, so much on account of the territorial acquisition thereby gained, but for the protection which our commerce in the Eastern seas would receive from this station. It was also important, because it struck the last blow at the power of France in the Indies, and because it deprived her of an island which was the depôt of all her annoyances to us there, and the rendezvous of all her privateers. It was not, in his mind,—whatever the right hon. gent. on the other side might imagine,—the least important feature in the merits of lord Minto, that he went out of his way to collect information for the purposes of this conquest, and that he superintended the arrangements immediately preparatory to it. Neither did he think that the praise of having laid such an admirable plan for so successful a conquest, could be done away by any extract of a private letter which an hon. baronet had thought proper to produce. To say that the information of that private letter was false, was an awkward expression; but what guarantee had he for its accuracy? He thought lord Minto eminently entitled to the distinguished honour of the thanks of that House.

Mr. *Elliot* said, he could not give a silent vote on this occasion, when he heard a right hon. gent. near him compare the conduct of his noble friend, lord Minto, in accompanying the expedition to Java, to the exercise of civil control which the deputies of the French Convention exercised over the generals in the early period of the Revolution. He thought his noble friend most eminently merited the vote of thanks proposed, as it was evident that his ably-conceived and well-digested plan had wrested from France her last and best possession in India. With respect to what had been said of his noble friend's conduct in Corsica, he would only say, that it would bear the strictest investigation. He should be sorry to revive the controversy on this subject, and particularly as his noble friend was ever ready to bear his warmest testimony to the military merits and high character of the gallant person alluded to.

The question being put and carried,

The *Chancellor of the Exchequer* then moved, "That the thanks of this House be given to lieut. general the hon. John Abercromby, for his able and gallant conduct and meritorious exertions in effecting, with rapidity, the entire conquest of the important island of Mauritius:—To lieut. gen. sir Samuel Auchmuty, for the decision, skill, and energy manifested by him in the command of the forces of his Majesty and of the East India company in the late operations in the island of Java, by which the honour of the British nation has been gloriously sustained, and additional lustre has been reflected on the reputation of the British arms:—To vice-admiral Albemarle Bertie, and to rear-admiral the hon. Robert Stopford, for their cordial co-operation, and the essential service rendered by them in the late operations in the Eastern seas:—To major-generals Henry Warde and Frederick Augustus Wetherall, and to the several officers of the army, both European and native, for their gallant conduct and meritorious exertions in the late successful military operations in the Eastern seas:—To commodores William Robert Broughton and Josias Rowley, and to the several captains and officers of his Majesty's naval forces employed in the late operations in the Eastern seas, for their skilful, gallant, and meritorious exertions in the reduction of the enemy's settlements in that quarter of the globe:—That this House doth highly approve and acknowledge the zeal, discipline, and bravery, uniformly displayed by the non-commissioned officers and private soldiers, both European and native, employed against the enemy in the several operations in the Eastern seas; and that the same be signified to them by the commanders of the several corps, who are desired to thank them for their gallant behaviour:—That this House doth highly approve and acknowledge the services of the seamen and royal marines serving on board his Majesty's ships employed in the late operations in the Eastern seas; and that the same be signified to them by the captains of the several ships, who are desired to thank them for their gallant behaviour."

All which were agreed to *nem. con.*

HOUSE OF COMMONS.

Tuesday, January 14.

RESOLUTIONS RELATING TO THE DISTILLERIES.] The House having resolved

Digitized by Google

itself into a Committee to take into consideration the acts relating to the Distilleries,

The *Chancellor of the Exchequer* rose for the purpose of proposing certain Resolutions recommending the Prohibition of all Distillation from Grain in Great Britain, for a time to be limited. He regretted that the comparative failure of the crop for the last year had rendered it necessary to resort to the same expedient. The principles upon which the question rested, had already met with such ample discussion in that House, that he should not think it necessary to enter at all into its abstract merits. He had, however, merely to state, that as the Revenue might suffer materially if the duties resulting from spirits distilled from grain were to expire as soon as the prohibition commenced, it had been thought advisable that the duties should be transferred to spirits distilled from sugar. After some further observations, expressive of the necessity for resorting to the restriction, and his regret, that such a measure should be necessary, the right hon. gentleman moved the following Resolutions:

1. "That it is the opinion of this Committee, that from and after the 1st of February, 1812, and until the 31st of Dec. 1812, no worts or wash for distillation in any part of Great Britain shall be made or brewed from oats, barley, or any other corn or grain, or from malt, flour, or bran, or any mixture with the same; nor shall any worts or wash, which shall have been made or brewed from oats, barley, or any other corn or grain, or from malt, flour, or bran, or any other mixture with the same, in any part of Great Britain, be distilled after the 15th of Feb. 1812.

2. "That it shall be lawful for his Majesty by proclamation, at any time after the 1st of Oct. 1812, if in his royal discretion he shall judge it to be for the benefit and advantage of this kingdom, either to terminate such prohibition from a time to be specified, not less than 30 days from the date of the said proclamation, or further to continue it from the said 31st of Dec. until 30 days after the then next meeting of parliament.

3. "That during any period in which the distillation of spirits from corn or grain in Great Britain shall be prohibited, the duties on worts or wash made in Great Britain for extracting spirits, and the duties on spirits made in Great Britain, and on spirits made in Ireland, and imported into Great Britain, and the duties on licences on the content or capacity of stills used in Scotland for making low wines or spirits, and also the duties on spirits manufactured in England and brought from thence into Scotland, and on spirits made in Scotland and imported into England, and the respective drawbacks on the exportation of such spirits, shall be suspended.

4. "That during such suspension, there be charged for every gallon of wort or wash brewed or made for extracting spirits in England, for home consumption, from sugar, an excise duty of 1*s.* 8*d.*

5. "That during such suspension, there be charged for every gallon, English wine measure, of wort or wash, brewed or made from sugar, for extracting spirits in the lowlands of Scotland, for consumption in Scotland, an excise duty of 8¼*d.*

6. "That during such suspension, there be charged for every gallon, English wine measure, of spirits, of the strength of one to ten over hydrometer proof, and so in proportion for every higher or lower degree of strength, which shall be made or distilled in the lowlands of Scotland, for consumption in Scotland, not exceeding the number of gallons of spirits limited and restricted to be distilled by or from each still, to be paid over and above the duty on the licence or content of the still, and the duty on the wort or wash from which such spirits may be made or distilled, an excise duty of 5*d.*

7. "That during such suspension, there be charged for every gallon, English-wine measure, of the cubical content or capacity of each and every still, including the head and every part thereof, and of any horn, pipe, tube, or other apparatus there with connected, under whatever name or denomination the same may be called or known, as high as the steam can ascend, and until the top of the head shall turn downwards, and form an angle of 45 degrees, which shall be used or employed for the purpose of making or distilling low wines or spirits from sugar, in the lowlands of Scotland, for consumption in Scotland, an excise duty of 16*2l.*

8. "That during such suspension, there be charged for every gallon, English wine measure, of wort or wash, brewed or made from sugar, for extracting spirits in the highlands of Scotland, for consumption in the said highlands, an excise duty of 7*d.*

9. "That during such suspension, there be charged for every gallon, English wine

Digitized by Google

measure, of spirits, of the strength of one to ten over hydrometer proof, and so in proportion for any higher or lower degree of strength, which shall be made or distilled in the highlands of Scotland, for consumption in the said highlands, not exceeding the number of gallons of spirits limited, and restricted to be distilled, by or from each still, to be paid over and above the duty on the license or content of the still, and the duty on the wort or wash from which such spirit may be made or distilled, an excise duty of *5d.*

10. "That during such a suspension, there be charged for every gallon, English wine measure, of the cubical content or capacity of each and every still, including the head and every part thereof, and of any horn, pipe, tube, or other apparatus therewith connected, under whatever name or denomination the same may be called, or known, as high as the steam can ascend, and until the top of the head shall turn downwards, and form an angle of 45 degrees, which shall be used or employed for the purpose of making or distilling low wines, or spirits in the highlands of Scotland, for consumption in the said highlands, an excise duty of *5l.*

11. "That during such suspension, there be charged for every gallon, English wine measure, of spirits of a strength not exceeding that of one to ten over hydrometer proof, and so in proportion for any higher degree of strength, made or distilled from corn or grain in England, and imported or brought from thence into Scotland, an excise duty of *8s. 3d.*

12. "That during such suspension, there be charged for every gallon, English wine measure, of spirits which shall be found in the stock, custody, or possession, of any distiller of spirits in Scotland, for exportation to England, of a strength not exceeding that of one to ten over hydrometer proof, made or distilled from corn or grain in Scotland, and imported or brought from thence into England, an excise duty of *8s. 5½d.*

13. "That during such suspension, there be charged for every gallon, English wine measure, of all such spirits as last aforesaid, of a greater strength than that of one to ten over hydrometer proof, and not exceeding three per centum over and above the strength of one to ten over hydrometer proof, an excise duty of *9s. 5½d.* and also a further excise duty proportioned to the degree of strength in which such spirits shall exceed the said strength of one to ten over hydrometer proof.

14. "That during such suspension, there be charged for every gallon, English wine measure, of spirits, of the strength not exceeding that of one to ten over hydrometer proof, and so in proportion for any higher degree of strength made or distilled in England from sugar, and imported or brought from thence into Scotland, an excise duty of *6s. 3½d.*

15. "That during such suspension, there be charged for every gallon, English wine measure, of spirits, of a strength not exceeding that of one to ten over hydrometer proof, made or distilled in Scotland from sugar, and imported and brought from thence into England, an excise duty of *7s. 11½d.*

16. "That during such suspension, there be charged for every gallon, English wine measure, of all such spirits as last aforesaid, of a greater strength than of one to ten over hydrometer proof, and not exceeding three per centum over and above the strength of one to ten over hydrometer proof, an excise duty of *7s. 11½d.* and also a further excise duty proportioned to the degree of strength in which such spirits shall exceed the said strength of one to ten over hydrometer proof.

17. "That during such suspension, there be charged upon all rum, brandy, spirits, aqua vitæ, or strong waters, (except rum of the produce of the British plantations), imported into Great Britain, and for which the duties chargeable thereon shall not have been paid on the 14th of January, 1812, or imported after that day, an additional duty of *12l. 10s.* per centum upon the produce and amount of the several duties of excise imposed for or in respect thereof, by any act or acts of parliament now in force."

Mr. *Ponsonby* did not rise to object to the Resolutions, but to complain of the change that had been wrought in the constitution of the country, by the usage that had silently grown up amongst the people, of looking for the relief of the respective grievances of different trades and interests, to the executive government, and not to the constitutional source of appeal and redress, the parliament. He did not wish to impute any blame to the right hon. gent. for the course he had pursued; but he regretted that a practice had been silently growing up, which seemed to have rendered such a course of proceeding in some measure excusable. The government, however, had no reason for not acting decisively; for since July last the King's

Digitized by Google

physicians entertained no expectations of his Majesty's recovery; therefore ministers might have acted as decisively and as promptly as the occasion and the interests of the parties required, if the agricultural and colonial interests were so far involved as to call for immediate and effectual relief. He did not see why ministers should not have seen in that circumstance a sufficient reason for assembling parliament. He meant no particular imputation upon the right hon. gent., but he regretted that departure from the sound political maxims and conduct of their ancestors, which made parliament, and parliament alone, the great resort to the people for all species of redress which did not come within the laws of the country. In parliament all interests were represented, and in parliament were at all times to be found persons the best informed upon the several subjects upon which redress could be sought for.

The *Chancellor of the Exchequer* complimented the right hon. gent. on the candid manner in which he had made his observations; at the same time he could not admit the existence of what had been called the growing practice of those without doors. When parliament was not sitting, the parties interested could only apply to the executive; and even if parliament had then been sitting, the prohibition could not have been earlier than it was now to be.

The Resolutions were then agreed to.

STATE OF IRELAND.] Mr. *Ponsonby* gave notice, on the part of a noble friend then absent (lord G. Cavendish), that that noble lord would, on Monday se'nnight, submit to the House a motion respecting the present State of Ireland.

The *Chancellor of the Exchequer* wished to know if the right hon. gent. would have any objection to state more specifically the object of the noble lord's motion.

Mr. *Ponsonby* replied, that the motion of his noble friend would relate to the present State of Ireland generally, and more particularly to the existing state of the Catholic population of that country.

HOUSE OF COMMONS.

Thursday, January 16.

THE KING'S HOUSEHOLD.] The House having resolved itself into a Committee of the whole House, to consider of so much of the Speech of the Lords Commissioners to both Houses of Parliament, of the 7th instant, as relates to his Majesty's Household,

The *Chancellor of the Exchequer* said, that in rising to submit to the Committee those measures, which, under existing circumstances, it might be proper for them to adopt, he felt it to be impossible to avoid adverting to what had been the course pursued in the last session of parliament. In doing this, it was not his wish to revive those controversies which had then taken place, but to take a proper view of what was the present state of the great object of their deliberations, as compared with what it was at the former period. The House must feel with great regret the difference between the situation in which they were placed at present and that in which they had formerly stood. When last the subject came under their consideration, they could not but recollect how sanguine were their expectations of his Majesty's speedy recovery, and they must necessarily bear in mind what now was the prospect before them. Then, they had reason to hope that before any great length of time had elapsed, the Sovereign would be enabled to resume his kingly functions; but now, unfortunately, the prospect was very much darkened. Instead of having before them statements from the attendant physicians, declaring there was a great probability of his recovery, they had it now, on the authority of the same persons, that recovery was very improbable, although not altogether hopeless. It was impossible not to see that different circumstances must call forth different measures. The course of human action must necessarily be guided by events. It was not for men to foresee what would actually occur, and their best plans could only be formed to meet that which could rationally be expected. Formerly, when recovery was probable, it was their duty primarily to look to the restoration of his Majesty to health, and to the exercise of the sovereign authority, but, at the same time, to guard against any inconvenience that might arise from the temporary suspension of the kingly functions: now, when recovery was stated to be highly improbable, it was for them to look primarily to the improbability of his Majesty's resuming the sovereign power, not leaving out of sight that it was possible he might yet recover. Formerly, they were called upon to make an arrangement which it was probable circum-

Digitized by Google

stances would only render necessary for a short period; now, it was expedient to form one which might be expected to be permanent. The state of his Majesty's health, at present, was represented to be such, that recovery was very improbable, though not altogether hopeless. The physician who was most sanguine, he meant Dr. Simmons, had stated, that in younger cases about half the number afflicted usually recovered; but in cases of persons who were more than seventy years of age, the recoveries were but as one in five. He had, however, added, that in the case of the King, from the singular strength of his Majesty's constitution, he should rather class him with those who were but of sixty, than with those who were seventy years of age. It was, therefore, their duty, under all the melancholy circumstances of the case, to consider that as one in five of those who were so afflicted when more than seventy years of age recovered, they were not to consider his Majesty's recovery as more hopeless than in that proportion, even if the extraordinary strength of his constitution furnished no additional ground for hope.

Bearing these considerations in mind, the right hon. gent. said he should now proceed to lay before the Committee what he conceived to be the principal objects which they had to keep in view. In the first instance, the exercise of the royal authority being suspended in the person of the King, it had been necessary for them to consider in what manner it should be supplied; and in the next place, they were to take into their consideration the nature of the provision which it would be necessary to make for the maintenance and comfort of the King during his illness. With respect to the first, a provision had already been made for supplying the executive power, which gave to the Prince Regent the full powers of royalty at the expiration of six weeks from the commencement of the present session; so that, as the law now stood, by about the 18th of February, all the authority, as well as all the duties of the sovereign, would devolve on him; and, unless some provision were made for his Majesty's Household, the Civil List also. If nothing were done by Parliament, the executive power would be complete; but there would be no arrangement for the maintenance and personal dignity and comfort of his Majesty. The House had had in their view, in the last session of Parliament, the necessity of making such an arrangement, and therefore provided that the restrictions on the Regent should continue till six weeks after Parliament had met, in order to give them an opportunity of considering of what they were now called upon to consider, namely, of making a provision suitable to maintain the dignity, and supply the comforts which were necessary to his Majesty's present situation. On this subject, two considerations naturally suggested themselves; the first was, from what fund, and from what source, were the provision and attendants to be drawn? The second was, as to the nature and extent of the provision to be made? With respect to the first, he thought he need have no hesitation in saying, that his Majesty's present Civil List, and his present officers and servants, ought to constitute the fund and the source from which the necessary provisions and attendants should be taken. It was not in the ordinary course of things, when making a provision for an individual in his Majesty's present situation, to draw it from any other source than that which might be considered as peculiarly his own. In making the arrangement which he should have the honour to propose, it was the duty of the Committee to look not only to the probability or improbability of his Majesty's recovery, but to have in their contemplation another event, which was perhaps more likely and more probable than his ultimate recovery. That event was a partial recovery, which, though not such as to fit his Majesty for resuming the reins of government, might yet afford him the means of tasting more comfort and enjoyment than he could participate in at present; a state in which he might be so far restored to reason, as to be sensible of what he was, and what he is. In the event of his so far awaking to a sense of his situation, it was natural to suppose that his feelings would be less hurt to find, not merely the same individuals about him who had formerly attended him, but the same officers he had been used to, than to find every thing changed, and himself attended by new officers, of whose names and of whose business he had previously no knowledge. The Committee would feel, that, in agreeing to any arrangement that might be proposed, it was their duty not to deny any thing that was necessary or desirable, but at the same time to be anxious, to pay proper attention to economy, and to make the arrangement as little

Digitized by Google

burthensome to the public as possible. It was not, however, possible, for any one who took a view of the subject, to think that the double establishment necessary to maintain a Regent and a King, could be conducted at as little expence as the establishment of a King alone. Some additional provision, it would be seen, was necessary, and if a suitable and satisfactory arrangement could be made, which would not occasion an additional expence of more than 70,000*l.* per annum, he trusted the appropriation of such a sum to that purpose would not appear by any means an extravagant or imprudent arrangement. This increased expenditure, he proposed, should be met by an addition to the Civil List revenue of 70,000*l.*

If he was right in thinking that the present Household of his Majesty was that to which the Committee ought to look to supply his Majesty's future servants, he should propose to take from it the highest officer, namely, the Lord Steward, whose office had several duties belonging to it connected with the person who exercised the royal authority. The same, or nearly the same observation, would apply to the office of Lord Chamberlain, who had also important duties to attend to. It did seem necessary to pass over those two officers; and in the room of the first, he had to propose, that the first Gentleman of the Bed Chamber, commonly called Groom of the Stole, should be substituted. This officer, he thought, might properly be placed at the head of the Household attendant on his Majesty. It was obvious the officer so selected would of necessity have new duties to perform, as he should propose that the power of superintending the whole establishment should be vested in him. It was not, however, possible to suppose this officer could always be on the spot; he therefore thought it would be necessary to appoint a deputy for him. To fill this office he should propose that another individual of known name and rank, namely, the Vice Chamberlain, should be selected. Some of the Lords and Grooms of the Bed-chamber, it would be expected, should still be continued about his Majesty. Four of each he thought would be sufficient amply to perform all the necessary duties, yet not too many for that purpose. He should therefore propose Majesty's that these should be selected from his present household. A Master of the Robes, he thought, and seven or eight Equerries, should also be continued. In this way, he thought there would be a sufficient number of persons in attendance on his Majesty at Windsor, or wherever else her Majesty should please to direct. There was also a person, perfectly well known, who had acted as Private Secretary to his Majesty, whom it would doubtless be thought proper to retain, and who would now act in the capacity of Private Secretary to her Majesty. He trusted it would be generally admitted to be right, that the portion of the royal Household which he had above specified, should be entrusted to the superintendance of the same authority as that to which the custody of his Majesty's person was confided by Parliament; or, in other words, that the whole of it should be placed under the controul of the Queen. From this it would follow, that all those officers of this part of the Household, whom his Majesty had been in the practice of appointing, should, when the proposed establishment was carried into effect, be thereafter directly appointed by the Queen; and that the inferior officers of the Household should receive their appointments in the same way as had been customary in times past.

With regard to the mode of providing for the expences of this establishment, he thought it would be better to take annually a sum out of the Civil List revenue, equal to the estimated charges of the Household. If the charges should turn out more than the estimate, then application should be made to the Treasury for defraying this expence, who again should submit the sum to Parliament, to be voted far out of the supplies of the year. If any surplus should remain after defraying all the charges of the Household, then provision should be made that this surplus be paid into the Treasury. He had now to state, that according to the estimate which had been made, the annual sum of 100,000*l.* would be sufficient to discharge all the disbursements which his Majesty's Household would require, including also the salaries of the various officers whom he had enumerated. This estimate was founded on the expenditure at Windsor, during the year ending the 5th of July, 1811, and would fully cover any additional expenditure that might arise from the appointment of any of the officers he had mentioned; as it was to be considered, that there would not, in future, be any reason for keeping up the same number of equipages and horses, as belonged to the

Digitized by Google

establishment at Windsor last year. Indeed, it would be perfectly extravagant to make any such supposition; and as the whole of the charges last year at Windsor, amounted to about 108,000*l.* he was justified in taking 100,000*l.* the sum he had formerly stated, as being sufficient to cover the expences of the establishment, including the salaries to the officers. In this way, ample means would be provided for supporting the dignity and comfort which should surround his Majesty's person, and due checks would be formed against any unnecessary expenditure.

The next particular to which he conceived it his duty to call the attention of the Committee, was an arrangement for the situation of her Majesty, the Queen. It could not be expected that she should continue (as she had hitherto done in so exemplary a manner) stationary; and it could not be doubted, that if for her health or amusement she should find it necessary to remove to any other part, a greater expence must be incurred, to meet which some increased provision ought to be made. This increase to the establishment of the Queen under all the circumstances, he was of opinion, ought to be permanent, and not for a few months; and therefore he should propose, that an annual addition of 10,000*l.* to her Majesty's income should be paid out of the Civil List. This would enable her Majesty to meet those expences which must inevitably be attached to her situation, under the proposed arrangement of his Majesty's Household.

The next thing to which he would direct the attention of the Committee, was to the Pensions and Allowances which his Majesty used permanently to bestow on the objects of his bounty. Those charges were always and very properly taken out of the privy purse; and as the Committee would certainly think it necessary to continue those grants, he imagined that there was no necessity for making any difference with regard to the fund out of which they should be satisfied. It was right, however, that some audit should be established with respect to those accounts; and for that purpose he would submit, that they should undergo a scrutiny in a Committee of expenditure, such as was established last year. This was the only charge attached to his Majesty's privy purse, but there might be others which would be very properly referable to the same account. With regard to his Majesty's private property, it might perhaps be thought reasonable, that the expences incurred for medical assistance should be satisfied out of that fund; but he had to inform the House, that the state of the revenue of the duchy of Lancaster was such, as that the excess of it, which was about 30 or 40,000*l.* might be applicable to heads of expence of that description. With respect to the arrangement of his Majesty's private property, three commissioners would be established for that purpose; one of whom ought to be, for every reason, a Master in Chancery, and the other two should be appointed by the Queen and the Prince Regent. These commissioners should act under an oath, and an oath of secrecy; and to them, perhaps, it would be wise to refer the small pensions and allowances which he before said ought to be subjected to an audit. He had now nearly stated all that was necessary with respect to the establishments for the King and Queen; and it was shortly, that 100,000*l.* should be taken from the civil list, for the purpose of defraying the expences of the establishment; and that, in addition, but 70,000*l.* including the 10,000*l.* to her Majesty, was to be provided for by the public.

He now arrived at the consideration of the situation in which his royal highness the Prince Regent would be placed, having the Civil List returned to him 100,000*l.* a year less than had been allowed to his Majesty. The most easy way to enable him to possess it to the same extent, would be to vote at once 100,000*l.* out of the consolidated fund, and extinguish his exchequer revenue. It was natural, however, to suppose, that the Prince had understood the income arising to him out of the Exchequer should be continued to him till he came into the possession of the monarchy itself. It therefore would not be fair to him, or to those who might have claims on this revenue, to disturb that supply; and consequently, the sum wanted ought to be taken from some other quarter. The Committee might think it better to leave that revenue, which they knew amounted to 120,000*l.* subject at present to a deduction of 12,000*l.* per annum for the income tax (which would now cease), at the disposal of the Prince, and that it might be unjust to take from him the means of satisfying the claims on him. He would however propose, that of his Exchequer income, 50,000*l.* should be tranferred to the Civil List, instead of being paid to him, which would leave of

Digitized by Google

that fund 70,000*l.* untouched. It was to be presumed that the Household expences of the Regent, from the circumstance of his family being so much smaller than that of his Majesty, would not be so great. In taking therefore 100,000*l.* from the civil list for the purpose before stated, and adding to it from the Exchequer the sum of 50,000*l.* a diminution of 50,000*l.* would remain, which it was thought might be dispensed with on account of the Prince's smaller family, and consequently smaller expenditure. It would be an act of injustice, he must observe, if they were to transfer the Civil List to the Prince, as being solvent, to defray the expences of his Majesty, when it was notorious that this was not the fact. In order to fully explain this, he had moved for the estimated charges on the Civil List Revenues, as they were laid before the House in 1804, together with the actual charges of each subsequent year. From these accounts it would be seen that in the year immediately following, namely, in 1805, the excess beyond the estimate was 120,378*l.* and in the subsequent years up to the present time, as follows:

In 1806.....	£.163,636
1807.....	138,406
1808.....	89,238
1809.....	193,142
1810.....	143,894
1811.....	110,010

The average, it would be seen, might be taken at 123 or 124,000*l.* annually. The Committee were aware how this excess had been met, that it had been paid, not out of the public revenue, but out of the funds arising from the excess of the Scotch Civil List, and the Admiralty Droits. The Committee would feel it improper to apply to the public to pay this excess as long as there were other funds to meet it, but it was necessary in the event of any increase of the excess to give parliament the earliest notice of it. It might have been expected, that when it was found the arrangements made in 1804 were insufficient to meet the charges of the Civil List, that some notice would have been taken of it; but no formal notice had been taken of it from that time to the present. He would propose that, as long as, by means of unappropriated funds, the annual average excess of 23 or 24,000*l.* could be met, it should be defrayed by no other; but if it should increase so as to exceed its present average by 10,000*l.* that should be deemed sufficient to bring the subject before parliament to meet their animadversions, if they should be deserved.

He was afraid that his statement would not be clearly understood by many; but with the indulgence of the Committee, he would offer a few words on one other point. He thought it would be nothing but what must be felt to be perfectly reasonable to make some provision for the expences which had already been incurred by his royal highness the Prince Regent. When his royal highness first assumed the royal functions, with sanguine hopes that his Majesty would soon be restored to his people, he had declined receiving any assistance whatever. It could not, however, be supposed that he could assume the reins of government, in the name of his majesty, without incurring a very considerable expence. To meet this he should therefore propose a grant of the sum of 100,000*l.* This sum, however, he begged the Committee to understand, was to be voted but for one year; because, though it might be necessary for the assumption of the royal functions, it might not be required for their permanent exercise. He had now stated all that it was necessary to bring before the Committee. The 100,000*l.* he had just mentioned, would, he thought, be deemed a very small sum when the object to which it was to be applied was considered. The 70,000*l.* to be added to the Civil List, was the only permanent charge to be made on the Consolidated Fund; and he trusted, the Committee would feel that the arrangements necessary to be made for the splendour of the Regent and the comforts of the King could not be accomplished at a less expence. The right hon. gentleman concluded with moving,

1. "That for making provision for the due arrangement of his Majesty's Household and for the exercise of the royal authority during the continuance of his Majesty's Indisposition, and for the purpose of enabling the Queen to meet the increased expence to which, in consequence of such indisposition, her Majesty may be exposed, there be granted to his Majesty, out of the Consolidated Fund of Great Britain, for that period, the additional yearly sum of 70,000*l.*

2. "That it is expedient that provision be made for defraying the expences incident to the assumption of the personal exercise of the royal authority by his royal highness the Prince Regent, in the name and on the behalf of his Majesty."

Mr. *Ponsonby* rose and said:—Sir, the

Digitized by Google

plan of the right hon. gent. appears to me to contain more matter of complexity than has ever been stated in parliament, and that, too, on a subject which might have been reduced to great simplicity. The first consideration is, what is the amount of the expence demanded from parliament, by the Chancellor of the Exchequer, on this occasion; and, secondly, what is the ground and necessity for that expence? In considering the subject, I must reverse the order which he has pursued, and apply myself to the latter part of his statement, in the first instance. He has there told us, that the Civil List is not adequate to meet those circumstances, for the support of which it is voted by parliament, and that, if we do not enlarge it, a permanent expence must be occasioned. That may be true; but as neither I, nor the House, are aware of the reason by which this effect is created, I cannot, with propriety, come to the conclusion drawn by the right hon. gent. Before parliament extends the amount of the Civil List, I consider it but just that proof should be adduced to shew that it is insufficient. The mere statement of the right hon. gent., that a deficiency had taken place in the Civil List department, is not enough to authorize the House in granting his request, when he asks for an additional sum. It is the duty of parliament to inquire, and know how the excess of expenditure has been occasioned—whether by negligence or extravagance—and whether the evil can be remedied without application to the legislature? In short, it should be made perfectly clear, that the assistance demanded is absolutely necessary. The right hon. gent. has stated other branches of service connected with the Civil List, which, he thinks, in the existing state of things, must be increased; because the present circumstances will cause an increased expense. I protest, Sir, it strikes my mind, that the most simple and obvious method to have adopted would have been to lay the business fully before parliament, and to have said, "You have annually voted a certain sum for the due maintenance of the dignity of the Crown, and to defray the expence of his Majesty's government. By the law, as it exists at present, you have made an alteration as to the appropriation of part of the property so voted. By the expiration of the Restrictions, the Civil List is likely to be tranferred to him who acts for and on behalf of the individual who wears the crown—the splendour of the crown is provided for by the vote of parliament, and the person who wears it should also be considered—give, therefore, to him who exercises the royal functions, all that has been heretofore considered necessary for the splendour and dignity of the crown, and leave to the heir apparent to decide on what is proper for the dignity and comfort of his Majesty." I think the exact state of the Civil List should be laid before the House, that we may be enabled to judge whether it is more than adequate to the expenditure of the royal family under the present circumstances—whether it is only equal to it, or whether it falls short of it. If the latter prove to be the fact, I am of opinion, that such assistance should be granted, as would place the Prince Regent in as good a situation, with respect to that fund, as was enjoyed by his Majesty when he acted as Sovereign of the country. This would be a plain and simple mode of proceeding. But the taking a sum from the Civil List, and giving it to the Prince—and then taking it from the Prince and giving it to the Civil List—introduces a degree of complexity into his plan, which, I am not ashamed to say, I cannot perfectly comprehend. The right hon. gent. has said, that the recent evidence of his Majesty's physicians rendered it peculiarly necessary to appropriate a considerable sum to the personal comfort and dignity of the Sovereign. Whenever such a peculiar necessity is made apparent, no man will more readily grant that which is required than I will; for no man in the House is more firmly impressed with the conviction that what is proper should be conceded by parliament. But, I confess, I can find nothing in the evidence of the physicians, which can justify the right hon. gent. in his statement. He has said, that we ought to contemplate the probability of his Majesty arriving at a middle state—a state neither of soundness nor of unsoundness—neither of sanity nor of insanity—a sort of medium which, if it ever occurs, we may consider as the worst situation of his Majesty's life. For what could be worse, what could be more dreadful, than a lapse of his distemper on one day, and a partial restoration on the next, rendering him cognizant of his malady, and thereby making him suffer ten thousand times more than he had ever before suffered? But, in the whole of the physicians' evidence, not a syllable is to be

Digitized by Google

found to support an expectation of this middle state. The right hon. gent., as well as myself, attended the Committee by whom the physicians were examined, and I suppose this notion of a vacillating state, between sanity and insanity, was in his mind then as well as now; yet, I put it to the right hon. gent., whether he asked a single question relative to the probability of his Majesty ever being placed in such a situation? The evidence given by the physicians does not support the assertion. All of them, except Dr. Simmons, have stated that his Majesty's recovery is highly improbable. One of them says, that it is all but hopeless; and another, that it is every thing but impossible. The right hon. gent. should, therefore, explain to the House, what foundation he has for entertaining the idea, that his Majesty will be restored to that non-descript situation to which he has alluded. As to the evidence of Dr. Simmons, little comfort can be derived from it; for, though he says he has known persons as old or older than his Majesty, and labouring under the same affliction, who had recovered, still it should be recollected that those instances were very rare; and, in answer to a question, he specifically stated, that he never knew a blind insane person recover his senses; he had known but seven or eight cases of that description, in the course of his practice, and all of them proved what he termed unfortunate. So that the right hon. gent. cannot make an application to the House for an addition to the Civil List, either on the evidence of Dr. Simmons, or any other of the physicians. I should be extremely glad to learn what there is in his Majesty's situation, which requires a large establishment about his person? Does he see any of those persons who are now attached to his Household? Certainly not. They must not approach him; and, if they did, his medical attendants would forbid it. On what account, then, is it, that a very considerable establishment is sought to be formed? The right hon. gentleman may say, his Majesty, perhaps, will regain a better state of health: we thought so last year, but we cannot think so now. If, however, he did unexpectedly recover from his insanity, the law would make provision for his resumption of the royal authority; therefore, I see no necessity for the measure. Were his Majesty ready to resume the royal functions, all the power and dignity of the sovereignty would immediately revert to him, and thus all those proceedings be rendered nugatory. The House is told, that, on account of his Majesty's diminished establishment, with respect to horses and carriages, a sum of 10,000*l.* should be granted to the Queen. How can this diminution be of any importance to her Majesty? How can it affect her? When his Majesty was in health, he made use of the greater part of the establishment for his own purposes; now, when he is not in health, a reduction of course takes place. But, it is not a reduction which interferes with her Majesty's comfort and convenience. It is merely a diminution of that which is no longer necessary for the sovereign. Why, therefore, that circumstance should put the Queen to any additional expense, so as to render the proposed grant fit and proper, is entirely beyond my comprehension.—The right hon. gentleman has observed, that there were expences attached to the situation of his Majesty, when in health, which would not attend the Prince Regent, so that his establishment might be on a more limited scale than that of his royal father, the family of the Prince not being so extensive. I am too little acquainted with the details of the Civil List to hazard any opinion on the subject; but I think the proposed diminution will operate very forcibly, if the Prince Regent be expected to keep up the same degree of state and splendour as his Majesty did when he exercised the functions of royalty. For I am not of opinion, that the principal expences of the situation are incurred in the manner to which the right hon. gentleman alludes. The variation of three or four more or less in his own immediate family, can produce very little difference to the Regent. But here I must repeat, that I cannot give a decided opinion; and that observation I may equally apply to every part of the right hon. gentleman's statement.—These are the principal objections which occur to me at present: the perplexity of the plan, in particular, I cannot get over. Parliament never was called on to grant money on an occasion, which demanded explanation more than the present. On this subject, most particularly, we ought to be convinced, that the application is well founded. It had often been alledged against us, that we are unnecessarily lavish of the public money. Undoubtedly, I do not wish the House to take notice of any unjust remark which may be levelled at it, but I think we are

Digitized by Google

bound before we vote so large a sum, to make it clear to the public, particularly now, when their burthens are so great, that this additional grant is strictly warranted by the necessity of the case.—There is, Sir, another head of expence, on which I profess myself entirely ignorant—I mean the sum of 100,000*l.* proposed to be granted to the Regent to cover the cost incurred by his assumption of the government. In the last session, the Prince declined receiving any assistance on that account; but, the right hon. gentleman says, the inevitable expence was such as to justify the demand. It may be so; but the right hon. gentleman can expect no more from parliament than the expression of a willingness to grant whatever may appear proper under the specified heads of expenditure. I hope, therefore, he will not precipitate his Resolutions. If the House agree to them, I trust he will permit them to lie on the table for a few days, that gentlemen may have an opportunity of considering the subject; for, though I heard his statement with the utmost attention, and applied to it all the powers of my mind, I really did not comprehend it. I do not mean to protest peremptorily against every part of this plan, but I beg leave to enter my protest against being considered as having agreed to it wholly or partially. I desire information on the subject, by which my vote may be guided. I am perfectly willing to grant what the splendour, dignity, and comfort of the monarch may require, but I am determined to grant no more.

The *Chancellor of the Exchequer* observed, that permitting the Resolutions to lie on the table, would give no insight whatever on the subject. Indeed, as such a proceeding would remove them farther from the consideration of the plan, as laid down in his statement, it would probably render the difficulty greater. They were pursuing the regular course of proceeding, as those Resolutions would come to nothing, except in the shape of a Bill. He was aware, when he made his statement, that the subject was a very complicated one, and, from time to time, he had expressed his apprehension to the Committee, that he should not be able to make it perfectly intelligible. In doing that, however, he referred the more detailed and accurate consideration of the plan to a future period, when the Bill should be brought in. Without those Resolutions being agreed to no Bill could be formed, and no intention existed of bringing it in before Monday. When the right hon. gentleman stated that he did not comprehend the measure, he was at a loss to know what he did understand. He seemed to think, with others, that the comforts of his Majesty should be attended to—but was that all? should they go no farther? Should they not still consider him as their king, and, though severely afflicted, not to be stripped of every vestige of dignity and splendour? The right hon. gentleman seemed to believe, from the statement of the physicians, that his Majesty's situation was completely hopeless, and that even a partial recovery could not be looked for at a future period; and, therefore that the provision to be made for him, should be merely that of a sick chamber. But the Committee would not coincide in such a principle, nor did the right hon. gentleman himself support it on a former occasion; for it would be utterly repugnant to the feelings of the country to divest his Majesty of every officer of dignity and character, who had heretofore been near his person. The right hon. gentleman had insinuated that he had not discharged his duty in the Committee, in not questioning the physicians as to the probability of his Majesty being restored to mental health; but he would ask in return, was there any thing in the state of his Majesty's health which required the particular inquiry on that point? and was it not necessary for parliament to make provision for the resumption of the royal authority in the person of the sovereign, if happily the period should arrive to enable his Majesty once more to exercise the functions of royalty? Was not the Committee aware, that up to the 5th of July (the period when the accession of disorder arose), his Majesty was in the habit of frequent communication with his family? On more than one occasion he himself had had the happiness of an interview with his Majesty, and had found him competent to all the purposes of common intercourse, and feelingly alive to the situation in which he was unfortunately placed; and though the accession prevented him from resuming the royal functions, yet he was capable of enjoying common intercourse, as far as the calamity under which he laboured would permit. Would the Committee, because his Majesty's calamity was great, abstain from rendering to him that comfort which, when rendered, would make it sit lighter? He was confident they would not, and trusted there-

Digitized by Google

fore that they would agree to the Resolutions.

Mr. *Ponsonby* said, that he had not expressed a wish, or manifested a feeling, whereby the right hon. the Chancellor of the Exchequer could, in fairness, suppose, that he was inclined to aggravate the malady of his Majesty by a denial of any comfort which was proper for his situation. He only said, that there was not in the evidence one syllable or tittle which could give birth to the notion, or imagination, or dream of that middle state of recovery, on the hope of which the right hon. gentleman formed one of the branches of his arrangement. If he was to be asked whether he wanted to deprive his Majesty of every necessary comfort or every enjoyment compatible even with a state of recovery, he would answer, that the Civil List was in the hands of the Prince Regent; and that it was absurd and unfeeling to suppose that his royal highness would not take every care of his father. During the discussions of the last year, the Prince had been often calumniated; but to suppose that he would be thus unnaturally neglectful of his royal father's lamentable condition was, above all others that had yet been flung upon him by the right hon. gentleman, the grossest calumny, the foulest imputation. This should be shortly his reply; and with it he would content himself, as being quite unanswerable by the right hon. gentleman. Before he sat down, he begged to be allowed to ask one question; namely, whether in granting to his royal highness the 100,000*l.* for the expences necessary upon his assumption of the royal authority, it was done under the notion, that his claims for the arrears of the Duchy of Cornwall were totally given up and extinguished? If such a grant was recommended, from an understanding on the part of the right hon. gentleman that the Prince had relinquished his claims to those arrears, then such an avowal on the part of the minister would be a main ingredient in the opposition which his plan should receive from him.

The *Chancellor of the Exchequer* said, he had proposed nothing to the House connected with any claim of his Royal Highness on the arrears of the Duchy of Cornwall. He had formerly expressed his opinion, that it was a mistaken idea to suppose that any ground of claim did really exist. And as far as he could recollect the course of the debates upon the subject, it appeared to him that the understanding of the House was, that his royal highness had totally relinquished every claim of that description.

Mr. *Ponsonby* said, that he did not want to know the right hon. gentleman's reasons, one way or the other; but had merely asked him, yes or no, as to the fact.

Mr. *Tierney* said, he should not then express any opinion on the sum of 100,000*l.* proposed to be granted to the Prince Regent. It was needless, as the right hon. gentleman did not mean to move it that night. At a future period he should certainly feel it his duty to notice it. If, however, it were stated, with the concurrence of his Royal Highness, as necessary to make good such out-goings as had unavoidably been called for in the course of the last year, and for those which his assumption of the regal office, permanently, might now demand, he certainly would not oppose it.—He felt it to be his duty to say a few words, because he was placed in a very strange situation as to the vote he was called on to give. He could wish to have been allowed more time; first, that he might understand the plan; and next, that he might give it such full consideration as would enable him to vote correctly. Two points, of infinite importance, were brought before the Committee. One was a question purely of money, and one of a purely constitutional nature. He was called on to vote a large sum of money for the establishment of a second court, a thing unknown to the country and unrecognised by the constitution. His Majesty was still the sovereign of the country, and the Prince Regent was nothing more than a person substituted, by the vote of parliament, to perform the royal functions. He thought none of the splendour of the regal office could be said to belong to the man. No individual ever reigned more beloved than the unfortunate George the Third; no monarch deserved splendour more than he did; and, if his vote were demanded on the principle of his Majesty's virtues, he would willingly give it in support of his dignity; but, he must also contemplate the proper splendour of the executive power; not coming in contact or collision with any other power, but standing, as it should do, on the highest eminence. The plan of the right hon. gentleman seemed to be to give her Majesty, on behalf of her royal consort, a separate court, on one side, while, on the other, the Prince Regent, as exercising the royal authority,

Digitized by Google

should possess a second. Was this, he would ask, necessary? Sure he was, that it was most dangerous. The right hon. gentleman had demanded, would they reduce his Majesty's dignity to the mere situation of a person in comfortable circumstances? Certainly he would not. He would do much more. He would recollect what was due to his king. Yet, even if he acted much short of the plan proposed by the right hon. gentleman, he thought he could do abundance, to shew to the country and to the right hon. gentleman, that, in due regard to the true splendour of his Majesty, he was as anxious as any man. What did the right hon. gentleman propose? Her Majesty was to have under her control, a Groom of the Stole, a Vice-Chamberlain, a Master of the Robes, four Lords of the Bedchamber, four Grooms of the Bedchamber, seven Equerries, &c. &c. and, in order to take care of his private property, with which, he had been taught to believe parliament had no more to do than with the property of the king of France, three new officers were to be appointed. [The Chancellor of the Exchequer here said they were to be paid out of the estimated fund.] He did not care out of what fund they were to be paid; he had separated the question of money from that of the constitution. And could any man doubt that this establishment was set on foot for the purpose of creating a separate influence. The right hon. gentleman had said, that the provision in the Regency Bill, by which it was enacted that parliament should be sitting for six weeks before the restrictions could expire, was introduced to give the legislature an opportunity of making an arrangement similar to that which he had now proposed. Now, he (Mr. T.) knew no such thing. It was stated at the time, to have been introduced to give his Majesty, if he should recover, an opportunity of resuming the royal authority with the same advisers as when he left it; but it now seemed as if the project was, to make a bargain for not continuing the restrictions; to stipulate, that, before they were taken off, a separate court should be formed, at the head of which her Majesty was to be placed. Was this necessary? He would not answer the question, but he would state a fact to the House: his Majesty's illness had continued for fifteen months, and, since the beginning of last July, the restrictions were not wanted; for, from the evidence given by the physicians, before the Committee, no hopes were entertained of his Majesty's recovery after that period. What was the argument made use of when the Restrictions were proposed? They were admitted to be, *pro tanto*, an infraction of the constitution; but the necessity of the case was relied on. What was that necessity? The probability of his Majesty's being able to resume his royal authority. The right hon. gentleman had said, "I will propose them for a year; but if before that time the case becomes hopeless, they may be taken off?" Now, mark the conduct he pursued. Ever since the middle of July, even Dr. Heberden had ceased to hope, and yet the right hon. gentleman postponed the meeting of parliament to such a period, as necessarily continued the restrictions longer than they otherwise would have existed. The right hon. gentleman ought to submit to the House and to the country his reasons for having extended that unconstitutional Bill, and they were all agreed that it was unconstitutional, one moment longer than was absolutely necessary.—Now, as to the necessity of the establishment, he would observe, that, during his illness, four lords of the bedchamber, and several other officers, were attached to his Majesty's household. He would ask, did any of them ever appear before him, or give any thing like a regular attendance? It was very astonishing, that while there was a hope of his Majesty's recovery, none of them came near him; but now, when the physicians were of opinion he could not get better, there must, forsooth, be a court formed round him. That was the plain matter of fact; and, if the right hon. gent. could not answer it, he had made out no case.—He would say no more on this part of the subject at present, and he hoped he had said nothing to displease any person [in a low tone—"I do not mean my political opponents, but her Majesty."]—He was anxious even to go out of the way, to guard himself from the possibility of misconception. With respect to the question of expence, it was clearly connected with the necessity of forming a second court; for, if that was unnecessary, the expence of part of the establishment must also be unnecessary. He should be glad to know —but did not then press for an answer— whether four new lords of the bedchamber were to be added to the Prince Regent's establishment, in the place of those in attendance on his Majesty. In his opinion, whatever was taken from the usual

Digitized by Google

establishment of his Majesty, when in the exercise of the royal functions, should be restored to the Regent by new appointments. As to the estimated expence, he understood that 100,000*l.* were to be taken from the Civil List, to support the dignity of the sovereign; together with a sum of 60,000*l.* for his privy purse, and 10,000*l.* from the Duchy of Lancaster, making 170,000*l.* From this 35,000*l.* must be deducted, leaving 135,000*l.* to defray the charges necessary for the care of the royal person. There were also 10,000*l.* to her Majesty, on which, as he wished to treat her with the most delicate respect, he would not say one word. That made 145,000*l.* But the right hon. gentleman had omitted one point, namely, that as the Civil List now stood, her Majesty received 58,000*l.* from it. This would make a sum total of 203,000*l.* as the actual amount to be placed at her disposal, for the care of herself and of his Majesty. His objection here was, that splendid personages were to be placed round his Majesty, at the same time that the Queen also had splendid personages attached to her household. Why could not one Master of the Robes and one Treasurer serve for both? It was not well to let it go out to the country, that, in his Majesty's present state, a Master of the Robes was necessary to take care of his dress. The Civil List being reduced by the 100,000*l.* drawn from it, and the Prince Regent being obliged to throw 50,000*l.* into it, would leave him 120,000*l.*; 50,000*l.* which he gave in aid of the list, and 70,000*l.* which remained in his own hands as Prince of Wales. It had been said, that the diminished expences to which the Regent was liable, compared with those incurred by his Majesty, made up for the difference of income. That was a point that required explanation. If those of the royal family, who were formerly supported out of the Civil List by his Majesty, were not to look to the Prince Regent for support, if he was to be released from that burden, then, so far, there was a diminution of expence; but, if that was not the case, then he was not relieved one farthing. If the estimated 100,000*l.* for his Majesty's support, included all who resided in his family, that was certainly a reason for expecting that 70,000*l.* would defray the Regent's expenditure. If the right hon. gentleman meant to inform them, that, notwithstanding the additional sums which they were called on to vote in aid of the Civil List, parliament must look forward to an annual exceeding of 124,000*l.* on the average; although he could understand the assertion, yet, till the accounts were laid before him, he could not give an opinion on its accuracy. But, before his Royal Highness undertook to administer the Civil List, that question ought to be set at rest. They were told that the Civil List of Scotland, and the Droits of Admiralty, went to defray the exceeding, and if they were not sufficient, then the House would be called on. To this system parliament, by a side-wind, were desired to pledge themselves; but, until the necessity for 124,000*l.* was proved, he would not vote for it. The statement of the right hon. gentleman abounded more in circumlocutions and parentheses, than any speech, connected with accounts, he had ever heard. It made him suspect that those circumlocutions were introduced to entrap them. It was not his intention to trouble the House so far as to put the question to a vote; but he could not suffer it to pass, without his protest against deeming himself pledged to support it in any future stage of the business.

Mr. *Sheridan* did not intend to say any thing on the present occasion, but an expression had fallen from the right hon. the Chancellor of the Exchequer in answer to a question from his right hon. friend, at which he was very much surprised. The question was, whether or not, as the Chancellor of the Exchequer had made no allusion to the Duchy of Cornwall, he considered the claim of the Prince of Wales as entirely abandoned? He answered that he had made no allusion to it: that in his opinion, the claim was utterly abandoned; and, looking to the course of the debates on the subject, the House, he believed, had been of the same opinion. Now, what was the fact? In the year 1802, when the present lord Manners, then Mr. Sutton, brought down the Message on this subject to the House, there was a general feeling in favour of the justice of the claim, and great credit was given to the Prince for not pursuing it at that time. In 1803, his Majesty's Message recommended the consideration of the Prince's debts to the House; and the 60,000*l.* per annum, which had been locked up for their liquidation, was liberated. He (Mr. Sheridan) had heard out of doors, that the Prince had relinquished his claim, and it was so stated in the loose reports of parliamentary debate, particularly in the Annual Re-

Digitized by Google

gister. On this authority, he supposed the right hon. gentleman had founded his assertion. He would refer him to the Journals of the House, on which the Prince's Message, brought down by Mr. Tyrwhitt, was entered. Of that Message he would read a part, which would prove that the Prince had never relinquished his claims; for, however, as it concerned himself only, he might have felt inclined to do it, he could not, consistently with the principles of justice, as that property would descend to his heirs, and, even before them, he looked upon it as a fund belonging to his creditors. Mr. Sheridan then read the Message from the Journals as follows:—"Mr. Tyrwhitt, Keeper of the Privy Seal, and Private Secretary to his royal highness the prince of Wales, acquainted the House, that the Prince has felt, with the most sincere and affectionate gratitude, the gracious purpose of his Majesty, in recommending his present situation to the consideration of parliament:—That, having seen by the votes of the House of Commons, the manner in which they have received his Majesty's recommendation, the Prince deems it incumbent on him to express his warmest acknowledgment of their liberality. At the same time the Prince, though fully convinced of the propriety of resuming his state, and greatly regretting any circumstance which tends to disappoint the wishes of his Majesty or of the House upon that subject, yet feels himself bound explicitly to declare that there are still claims remaining upon his honour and his justice, for the discharge of which he must continue to set apart in trust a large sinking fund, and consequently postpone, until the period of their liquidation, the resumption of that state and dignity, which, however essential to his rank and station, he knows, from dear-bought experience, could not, under his present circumstances, be resumed without the risk of incurring new difficulties. The Prince thinks that he owes it to himself and to parliament to make this declaration to them with the same distinctness as he stated it to his Majesty's government upon the first communication made to him of his Majesty's benign intentions. With respect to the Prince's claim to an account of the Revenues which accrued from the Duchy of Cornwall from the year 1762 to 1783, however strong his confidence in the validity of his claim, a confidence fortified by the greatest legal authorities, yet, as he trusts that, through the gracious interposition of his Majesty, and the liberality of parliament, he shall be enabled otherwise to provide for those demands on his justice which alone induced him to assert his right, he now cheerfully relinquishes his suit, and has directed his law officers to forego all further proceedings."—This, Mr. Sheridan contended, was a mere withdraw, not an abandonment of the Prince's claim, which remained in full force.

The *Chancellor of the Exchequer* felt himself called upon to offer a few observations, in consequence of the particular appeal which the right hon. gentleman had thought proper to make to him, in the course of his speech. He begged leave to recal to the recollection of that right hon. gentleman, and of the Committee, that he had not drawn such a conclusion as was ascribed to him in the course of the observations which he had the honour to submit to their consideration that night, and he begged leave distinctly to disclaim all that reference to Parliamentary Reports, and the Annual Register, which the right hon. gentleman had thought proper to ascribe to him, and as for the extract from the Journals, which he had read, he was almost inclined to think that he had read it then for the first time. To recur, however, to what he had advanced in the course of the statement which he had the honour to submit to the Committee, he could not recollect that he had advanced any thing which expressed an opinion on the subject of those claims alluded to by the right hon. gentleman. He had been asked by one right hon. gentleman whether he had an intention of bringing any thing forward on the subject of the revenue of the Duchy of Cornwall, to which he had a two-fold answer to give. In the first instance, he had not any intention of bringing forward any mention of those claims, as he had always been of opinion, that there was no ground for them; but he had never stated that he had any instructions on the subject from his Royal Highness, nor after such a testimonial as had been read by the right hon. gentleman, was it likely that he should have received such instructions, nor was it consistent with the honour of the Prince, after directing, in terms, his law officers to relinquish the suit, in consequence of the aid afforded him by parliament. It was as little reconcileable with the enlightened mind and acknowledged abilities of the right hon. gentleman, to ima-

Digitized by Google

gine, that, by possibility, any communication of such a nature should be made to him. He thought, therefore, that on this point, he stood fairly with the House, beyond the liability of misconception.—He had never expressed any opinion as proceeding from his Royal Highness; he had only stated his own impression; and he left it to the candour of the House, whether any interpretation other than what he had stated could be fairly placed upon what had fallen from him.—He would now trouble the Committee with a few words, in reference to some observations which had been made by the right hon. gentleman who had spoken last but one. He gave the right hon. gentleman all the credit he deserved, for those very liberal feelings he professed towards her Majesty, and the other branches of the royal family, while he had to lament, at the same time, that the remarks he made, unfortunately were applied to himself. Yet while he had to lament this circumstance, he could hardly suppose that the right hon. gentleman seriously imagined, that the new arrangement which he had submitted to the consideration of the Committee, was formed under the idea of any compromise, which was to barter the removal of the restrictions for the condition of establishing a new court. Did the right hon. gentleman suppose him capable of such a contract? Did he imagine that he could have submitted such a proposition in a conference with his sovereign and his master? It was an impression which he confidently hoped there was no mind so constituted in that House, as to receive or to entertain; and he could not help saying, that if the right hon. gentleman had made the smallest reserve of that candour in his favour, which he had displayed towards others, he could not have ascribed such a plan to him as that which he mentioned. In the proposition which he had made, he had been influenced by no sinister view whatever, nor could he have supposed that such would have been attributed to him. The right hon. gentleman had expressed a wish to know, how the sum of 100,000*l.* had any regard to the part of the royal family resident at Windsor, and to this he had to reply, that the object of the arrangement was, to cover that as well as the other expences he had enumerated; and he thought it a fair ground for stating, that the establishment of his Majesty was larger than that of the Prince could be at Carleton-house. With regard to the supernumerary lords of the bedchamber, he believed that their number had varied at different periods; there had been some addition at one time, and at no time had they been under twelve. This point, however, he conceived would remain to be decided by his Royal Highness's pleasure, and the whole arrangement had to pass through so many subsequent stages, that it would be unnecessary to enlarge on it at present. This too, he thought, offered a sufficient reason against retarding, in its present stage, the course of the proceedings, as the first step was essential to the advancement of the business. The resolutions did not go to pledge the Committee to too great an extent. The first stated the necessity of a grant of 70,000*l.* on the Consolidated Fund; and the second merely asserted the expediency of providing for the assumption of the royal authority by the Prince Regent. The sum could only be voted in a Committee of Supply, when it would be competent for any member to state his particular objections.

Mr. *Sheridan* explained. The right hon. gentleman, he said, had not correctly stated the observations he had made. He believed the right hon. gentleman was as well versed in grammar as any man, and yet he was under some misapprehension here, for the words of the Message he had read certainly did not go to a positive relinquishment of his claims by his Royal Highness, but expressly mentioned, that although his royal father and parliament should exercise their liberality towards him, yet that, unless he had some further provision towards satisfying the claims of his creditors, he could not consider his right impaired, though he withdrew his suit at law against the King his father. He did not mean to say that the claim should be now revived, but he denied that it had been relinquished; and he would venture to say, if the right hon. gentleman looked over the Journals before he went to bed, he would have the candour to come down on the report to-morrow, and declare his error. He really wished he could have some specific promise from him on the subject. In fact, most of the great legal authorities at that time (with the exception, perhaps, of the right hon. gentleman) had declared their opinion of the validity of the Prince's claims. The Master of the Rolls, if present, could confirm the opinion he then gave; and lord Thurlow had been of the same opinion.

Digitized by Google

Mr. *C. Adams* said he did not rise to protract the debate, but merely to make an observation on the insufficiency of Carleton-house to accommodate the number of servants who must necessarily be in attendance in the household of the Regent. He therefore thought that an additional sum of a few thousands should be voted, and could not be of any material consequence.

The Resolutions were then put and agreed to, and the Report was ordered to be brought up to-morrow.

HOUSE OF COMMONS.

Friday, Jan. 18.

POPULATION OF THE SEVERAL COUNTIES OF GREAT BRITAIN.] Mr. Mitford, from the Secretary of State's Office, presented a Comparative Statement of the Population of the several Counties of Great Britain, in the Years 1801 and 1811; shewing the Increase or Diminution thereof: together with the present State of the Returns called for by an Act of the last Session of Parliament.

On the motion that this Account be printed,

Mr. *Rose* said, he would take the present opportunity of making a few observations on the subject matter of the Account then before the House. No regular Census had been attempted to be taken of the population of England, Scotland, and Wales, until the year 1801, when the right hon. gentleman, who now filled the chair of that House, brought in a Bill for that purpose.—The right hon. gentleman said, that he, in the last session, had had the honour of introducing the measure, under which the late enumeration was made; and he had great pleasure in stating to the House, that, in the course of the last ten years, since the Census of 1801, an increase of population, to the amount of more than one million and a half, had taken place. In England that increase appeared to be in a ratio of 14 per centum; in Wales 12; and in Scotland 13. This increase in the amount of the population, exhibited an extent and duration unexampled in the history of this country; and what rendered it still more surprising was, that the increase of the males was as great as that of the females. The total population of England, Scotland, and Wales, in 1801, was 10,472,048; at present it amounted to 11,911,644; making an increase of 1,439,596 persons, actually resident in the country; which, added to 170,000 men comprised in our army and navy abroad, made a total amount of 1,609,498.—He considered it a matter of great congratulation to the country that the population should have so much increased, when the drain of men for the army, navy, and merchant service was contemplated. It might perhaps be said, that, at the time when the country was called on to exult in such an increased population, it unfortunately appeared, that the employment for the lower orders had fallen off. Where such a circumstance occurred, it was to be regretted; but, he believed, in the manufacturing counties, and there only, had employment failed: every where else it kept pace with the increase of the population. And even there, it would be found, that the evil was not so generally felt as in the last year. But, taking the circumstances and situation of the country into consideration, it was of more importance to the empire that the population was in a state of progressive increase, than that partial instances of a failure of employ had occurred. It probably might be alledged, that the apparent increase in the present Census arose in some measure from the former not having been properly executed; but he believed the Census of 1801, which was entrusted to nearly the same persons as were employed on the present occasion, was correct. There was a subject of infinite importance connected with this increased state of population; he meant the facility of providing the people with food. Much had been stated on the high price of provisions, and the uncertainty of a supply of grain from other countries. Means should, therefore, be devised, to enable the country to supply itself. A person was then waiting to present an Account, which would place the subject of the importation of grain in a very clear point of view; and it was a subject which required the most accurate information. By that account it would be seen, that, in the period of eleven years, between 1775 and 1786, the average quantity of grain imported annually, was 564,413 quarters; from 1787 to 1798, 1,136,101 quarters; and from 1799 to 1810, including three years of scarcity, 1,471,003 quarters. — The average prices were 30*s.* per quarter, in the first period, 40*s.* in the second, and 60*s.* in the third. In the last year not less than 4,271,000*l.* went out of the country for the sustenance of the inhabitants—a

Digitized by Google

matter of most serious import to the public. There was also another Account, by which it appeared that the consumption of wheat and flour imported from foreign countries, had been progressively increasing from 1775 to the present time. In 1810, the quantity imported was 693,000 quarters; which clearly proved that the increased consumption of wheat was greater than that of all other grain, and that those who did not heretofore ordinarily make use of wheat, now made it a principal part of their food. To meet the growing wants of the population, without having recourse to foreign countries, was a most important object. He was aware that the inclosure of common and waste lands was carried to a great extent; but this did not keep pace with the necessities of the country. What, then, could be added to their internal resources? He had no objection that all the lands fit for the growth of barley, oats, &c. should be continued under that species of tillage. But still this alone would not be sufficient; and he was persuaded that there was no way in which the country could effectually supply its population, except by encouraging and extending the planting of potatoes, which would grow in those soils that were unfit for the cultivation of grain. There was also another source of supply, he meant the fisheries. It was strange, that in a maritime country, like this, fish was rarely to be seen, except at the tables of the rich. The poor received little or no benefit from that nutritious description of aliment. There might be some prejudices against it; but the exertions of gentlemen in the different parts of the country, if rightly directed, would do them away. He himself had been enabled, at a time when the quartern loaf was extremely dear, to supply the poor, in his immediate neighbourhood, with 22 pounds of good potatoes, and nine herrings, for fifteen pence. If the hints he had thrown out were acted upon, it would tend to introduce a variety of nutritious food amongst the lower orders of society, save a sum of 3,500,000*l.* annually to the country, increase the agriculture of the kingdom, and, by extending the fisheries, employ a hundred thousand persons in that way, which, more than any other, was calculated to uphold the naval greatness of the empire.

Mr. *Brougham* participated in the great satisfaction expressed by the right hon. gentleman, at the flourishing increase of the population; and had derived much pleasure from the sensible and important observations he had made on the subject of provisions; a subject which the House should always keep in view, but particularly at the present moment, when the country was threatened with a scarcity. He was not, however, prepared to agree with the right hon. gentleman to the full extent of his statement. With respect to the great and progressive increase of population, since the Census of 1801, there certainly was an apparent increase; but whether, upon inquiry, a real increase could be substantiated, was another matter. The point on which his doubt arose had been touched upon by the right hon. gentleman. In 1801, under the then Population Act, a Census had been taken. Being a novel measure, and its machinery for the first time set at work, and, indeed, in part only created, its results could not be supposed to possess all that accuracy which was manifested on the present occasion, after the experiment had been once made. Even if the same persons were employed on each Census, it was apparent, that, having had the experience of the first, they would be more capable of a correct discharge of their duties, than when they originally undertook the task. There were other reasons, too, which operated against the correctness of the Census of 1801. When the measure was first proposed, it had to struggle with the prejudices of the people. That they were wrong he admitted; but their existence was known to every man in the country. Many persons had imbibed superstitious ideas on the subject. They conceived there was an ominous fatality, something extremely unlucky, in numbering the people; and they quoted certain passages from the Old Testament, in support of their opinion. Those prejudices were now done away; and that circumstance, added to the increased experience of the persons to whom the operation of the present Act was entrusted, must have had the effect of producing a result nearer the truth, than could be procured under all the difficulties, arising from the novelty of the measure, the prejudices of the people, and the inexperience of those who were engaged in making the Census in 1801. The question, then, was, whether the error was one of increase or of diminution? From the probable causes of error which he had assigned, particularly the prejudice

Digitized by Google

against the Bill, he thought it was fair to infer, that the Census of 1801 made the population less than it really was; to what extent he would not pretend to say. But, as the present Census was, no doubt, more accurate, those were included in it, who were not enrolled in the former, and thus an apparent increase, to a certain extent, was produced. Indeed, looking to the state of war in which the country had been so long engaged, the number of emigrations, and various other circumstances, he could not comprehend how the population could have increased in such a surprising manner; for, contrasted with the neighbouring countries, the population of Great Britain made a progress comparatively slow. But the important question was, taking for granted the alledged increase of population, whether the advantages derivable from it were so great as the right hon. gentleman seemed to think? And here, one point had been omitted by him, which might have been very properly introduced when he spoke of the high price of provisions. He thought that an account of the increase of the Poor's Rates ought to have been laid on the table along with the documents to which the right hon. gentleman had alluded. That, perhaps, would have shewn, that the comfort and happiness of the people had not increased with their numbers. He would now call the attention of those persons who were particularly connected with the measure, to a very great defect in the law, as it at present stood. He conceived that it ought to have extended to Ireland. A Census of the inhabitants of that part of the empire ought to be taken, pointing out, if possible, the progressive increase for the last twenty years, or, at all events, since the legislative union. He regretted, extremely, that such a measure had not been heretofore resorted to; particularly when they were on the eve of agitating that most important subject, the State of Ireland. When they were about to enter into a dispassionate inquiry into the state of the people of that country, for the purpose of securing the rights and redressing the wrongs, of a great part of its population, it was deeply to be lamented that some such salutary act had not been introduced 12 years ago; or, at any rate, last year. If a Census were directed to be taken there, it would be right, in his opinion, to have the number of persons attached to each religious sect specified. How many Catholics, Protestants, and Dissenters, that, at one view, their numerical relation, to each other might be discernible. The hon. and learned gentleman concluded by recommending the subject to the serious consideration of his Majesty's ministers.

Mr. *Rose* observed, that he had formerly moved for Accounts in order to ascertain the amount of the Poor's Rate, and had written a pamphlet on the subject, which were proofs that it had not escaped his attention.

Mr. *Herbert*, of Kerry, agreed with the hon. and learned gentleman in the propriety of instituting a Census for the population of Ireland, and stated as the result of his own personal inquiries and information, that the population of Ireland had been long rapidly augmenting.

Mr. *P. Moore* observed, that the right hon. gentleman, on a motion for printing a document, had addressed the House, at some length, on one subject which was, and one which was not before them. As to the paper which was on the table, it carried evidence of its falshood on the face of it. It was stated to be a document shewing the strength of the empire. If it was so, why was Ireland not included? The population of England, Scotland, and Wales, was 11,000,000. And were the six million of Ireland to be forgotten; many of whom were then fighting the battles of the empire, and made part of that army and navy which swelled the list then before the House? If Ireland was really considered as part of the effective strength of the empire, it was a criminal deficiency to omit her population.

The said Return was then ordered to be printed, and is as follows:

Digitized by Google

COMPARATIVE STATEMENT *of the* POPULATION *of the several Counties of* GREAT BRITAIN, *in the Years* 1801 *and* 1811; *shewing the Increase or Diminution thereof: together with the present State of the Returns called for by an Act of the last Session of Parliament.*

ENGLAND.

COUNTIES.	POPULATION 1801.			Increase.	Diminution.	POPULATION 1811.		
	Males.	*Females.*	*Total.*			*Males.*	*Females.*	*Total.*
Bedford	30,523	32,870	63,393	6,820	...	33,171	37,042	70,213
Berks	52,821	56,394	109,215	9,062	...	57,360	60,917	118,277
Buckingham	52,094	55,350	107,444	10,206	...	56,208	61,442	117,650
Cambridge	44,081	45,265	89,346	11,763	...	50,756	50,353	101,109
Chester	92,759	98,992	191,751	35,280	...	110,844	116,190	227,031
Cornwall	89,868	98,401	188,269	28,398	...	103,310	113,357	216,667
Cumberland	54,377	62,853	117,230	16,514	...	63,433	70,311	133,744
Derby	79,401	81,746	161,142	24,345	...	91,494	93,993	185,487
Devon	157,240	185,761	343,001	40,307	...	179,553	203,755	383,308
Dorset	53,667	61,652	115,319	9,374	...	57,717	66,976	124,693
Durham	74,770	85,591	160,361	19,444	...	84,777	95,028	179,805
Essex	111,356	115,081	226,437	26,036	...	124,839	127,634	252,473
Gloucester	117,180	133,629	250,809	27,727	...	129,546	148,990	278,536
Hereford	43,955	45,236	89,191	4,882	...	46,404	47,669	94,073
Hertford	48,063	49,514	97,577	14,077	...	55,023	56,631	111,654
Huntingdon	18,521	19,047	37,568	4,640	...	20,402	21,806	42,208
Kent	151,374	156,250	307,624	63,261	...	181,925	188,960	370,885
Lancaster	322,356	350,375	672,731	155,578	...	394,104	434,205	828,309
Leicester	63,943	66,138	130,081	20,338	...	73,366	77,053	150,419
Lincoln	102,445	106,112	208,557	13,994	...	109,707	112,844	222,551
Middlesex	373,685	444,474	818,129	131,913	...	433,036	517,006	950,042
Monmouth	22,173	23,409	45,582	5,692	...	25,715	25,559	51,274
Norfolk	129,842	143,529	273,371	18,611	...	138,076	153,906	291,982
Northampton	63,417	68,340	131,757	9,596	...	68,279	73,074	141,353
Northumberland	73,357	83,741	157,101	15,060	...	80,385	91,776	172,161
Nottingham	68,558	71,792	140,350	22,580	...	79,057	83,843	162,900
Oxford	53,786	55,834	109,620	9,584	...	59,140	60,064	119,204
Rutland	7,978	8,378	16,356	24	...	7,931	8,449	16,380
Salop	82,563	85,076	167,639	27,061	...	96,038	98,662	194,700
Somerset	126,927	146,823	273,750	29,430	..	141,449	161,731	303,181
Southampton	105,667	113,789	219,656	25,691	...	118,434	126,913	245,347
Stafford	118,698	120,455	239,153	57,370	...	148,758	147,765	296,523
Suffolk	101,091	109,340	210,431	23,468	...	111,866	122,035	233,899
Surrey	127,138	141,905	269,043	54,808	...	151,811	172,040	323,851
Sussex	78,797	80,514	159,311	29,934	...	93,775	95,470	189,245
Warwick	99,942	108,248	208,190	10,703	...	104,487	114,406	218,893
Westmorland	20,175	21,442	41,617	4,369	...	22,902	23,084	45,986
Wilts	87,380	97,727	185,107	8,721	...	91,560	102,268	193,828
Worcester	67,631	71,702	139,333	21,668	...	78,261	82,740	161,001
York, E. Riding	68,457	70,976	139,433	27,920	...	81,205	86,148	167,353
—— N. Riding	74,904	80,602	155,506	2,698	...	77,505	80,699	158,204
—— W. Riding	276,005	287,948	563,953	89,049	...	321,651	331,351	653,002
Totals	3,987,935	4,343,499	8,331,434	1,167,966	...	4,555,257	4,944,143	9,499,400

WALES.

Anglesey	15,775	18,031	33,806	3,286	...	17,467	19,625	37,092
Brecon	15,393	16,240	31,633	6,117	...	18,522	19,228	37,750
Cardigan	20,408	22 548	42,956	7,376	...	23,793	26,539	50,332
Carmarthen	31,439	35,878	67,317	9,900	...	36,080	41,137	77,217
Carnarvon	19,586	21,935	41,521	7,498	...	23,241	25,778	49,019
Denbigh	29,247	31,105	60,352	3,888	...	31,129	33,111	64,240
Flint	19,577	20,045	39,622	6,896	...	22,712	23,806	46,518
Glamorgan	34,190	37,335	71,525	9,743	...	39,378	41,890	81,268
Merioneth	13,896	15,610	29,506	1,418	...	14,308	16,616	30,924
Montgomery	22,914	25,064	47,978	2,628	...	24,760	25,846	50,606
Pembroke	25,406	30,874	56,280	4,335	...	27,453	33,162	60,615
Radnor	9,347	9,703	19,050	2,749	...	10,571	11,228	21,799
Totals	257,178	284,368	541,546	65,834	...	289,414	317,966	607,380

Digitized by Google

SCOTLAND.

SHIRES.	POPULATION 1801.			Increase.	Diminution.	POPULATION 1811.		
	Males.	*Females.*	*Total.*			*Males.*	*Females.*	*Total.*
Aberdeen	55,625	67,457	123,082	13,821	...	60,973	75,930	136,903
Argyll	33,767	38,092	71,859	13,726	...	40,675	44,910	85,585
Ayr	39,666	44,640	84,396	19,648	...	48,506	55,448	103,954
Banff	16,067	19,740	35,807	- -	1707	14,911	19,189	34,100
Berwick	14,294	16,327	30,621	158	...	14,466	16,313	30,779
Bute	5,552	6,239	11,791	282	...	5,545	6,488	12,033
Caithness	10,183	12,426	22,609	810	...	10,608	12,811	23,419
Clackmannan	5,064	5,794	10,858	1,152	...	5,715	6,295	12,010
Dumbarton	9,796	10,914	20,710	3,479	...	11,369	12,820	24,189
Dumfries	25,407	29,190	54,597	8,363	...	29,347	33,613	62,960
Edinburgh	54,224	68,750	122,954	25,490	...	64,903	83,541	148,444
Elgin	11,763	14,942	26,705	1,403	...	12,401	15,707	28,108
Fife	42,052	50,791	93,743	7,529	...	45,968	55,304	101,272
Forfar	45,451	53,666	99,127	8,137	...	48,151	59,113	107,264
Haddington	13,890	16,096	29,986	1,178	...	14,232	16,932	31,164
Inverness	33,801	40,491	74,292	4,123	...	35,749	42,666	78,415
Kincardine	12,104	14,245	26,349	1,090	...	12,580	14,859	27,439
Kinross	3,116	3,609	6,725	520	...	3,466	3,779	7,245
Kirkcudbright	13,619	15,592	29,211	4,473	...	15,788	17,896	33,684
Lanark	68,100	78,599	146,699	45,053	...	88,688	103,064	191,752
Linlithgow	8,129	9,715	17,844	1,607	...	8,874	10,577	19,451
Nairn	3,639	4,618	8,257	- -	6	3,530	4,721	8,251
Orkney & Shetland	20,793	26,031	46,824	- -	671	20,151	26,002	46,153
Peebles	4,160	4,575	8,735	1,200	...	4,846	5,089	9,935
Perth	58,808	67,558	126,366	8,727	...	64,034	71,059	135,093
Renfrew	36,068	41,988	78,056	14,540	...	41,960	50,636	92,596
Ross & Cromarty	25,494	29,849	55,343	5,510	...	27,640	33,213	60,853
Roxburgh	15,813	17,869	33,682	3,548	...	17,113	20,117	37,230
Selkirk	2,356	2,714	5,070	819	...	2,750	3,139	5,889
Stirling	23,875	26,950	50,825	7,549	...	27,745	30,429	58,174
Sutherland	10,425	12,692	23,117	512	...	10,488	13,141	23,629
Wigtown	10,570	12,348	22,918	5,973	...	12,205	14,686	26,891
Totals	734,581	864,487	1,599,068	208,180	2384	825,377	979,487	1,804,864

SUMMARY.

	POPULATION 1801.			Increase.	Diminution.	POPULATION 1811.		
	Males.	*Females.*	*Total.*			*Males.*	*Females.*	*Total.*
England	3,987,935	4,343,499	8,331,434	1,167,966	...	4,555,257	4,944,143	9,499,400
Wales	257,178	284,368	541,546	65,834	...	289,414	317,966	607,380
Scotland	734,581	864,487	1,599,068	208,180	2384	825,377	979,487	1,804,864
Army, Navy, &c.	470,598	- - -	470,598	169,902	....	640,500	- - -	640,500
Totals	5,450,292	5,492,354	10,942,646	1,611,882	2384	6,310,548	6,241,596	12,552,144

REMARKS.

1. In order that the Comparative Statement of the Population of the several Counties in 1801 and 1811 might be made as perfect as the present state of the Returns of 1811 permits, the few outstanding deficiencies have been supplied from the Returns of 1801; and it is supposed that the uncertainty thence arising can scarcely amount to a Thousand Persons in any one of the few Incomplete Counties, excepting only in Monmouthshire. The apparent Diminution in Banffshire chiefly arises from three Parishes being now returned wholly in neighbouring Counties, which Parishes in 1801 were returned partly or wholly in Banffshire.——2. The Number of Males composing the Army, Navy, &c. includes the Regular Army, the Artillery, and the British Regular Militia, all according to the latest Returns to Parliament; but the Regiments of Local Militia, which were embodied for Training and Exercise on the 27th May 1811, have been ascribed to their respective Counties. With the Navy are included the Royal Marines: and to all these are added the Seamen employed in navigating Registered Vessels.——3. The larger Abstracts, both of the Enumeration and Parish Register Returns, will be presented to Parliament when the respective Returns shall have been completed; in furtherance of which purpose, Letters and Blank Schedules have been dispatched to all the Places where any Deficiency is supposed to exist.——16th January 1812.

JNO. RICKMAN.

Digitized by Google

KING'S HOUSEHOLD BILL.] Mr. *Lushington* appeared at the bar, with the Report of the Resolutions relative to the arrangement of his Majesty's Household. On the question that the Report be brought up,

Mr. *Creevey* rose and said, the right hon. the Chancellor of the Exchequer, if he understood him correctly, had calculated that the sum of 120 or 130,000*l.* would cover any deficiency of the Civil List. This he intended to supply by a contribution from the Droits of the Admiralty. Against such a measure, he must enter his protest. The right hon. gentleman had no right, as a minister of the crown, to dole out those funds as he thought fit; they were strictly the property of the subjects of this country, and ought this year to be brought into the Supply. He would not enter into the subject now, because an hon. and learned friend of his (Mr. Brougham) had already given notice of a motion respecting the Droits of Admiralty. When parliament gave to his Majesty 800,000*l.* per ann. for the Civil List, they little imagined that a fund of 8 millions additional remained behind. They little expected to have heard it laid down as law, that 8 million of the Droits of Admiralty, was as much the property of his Majesty, as the estate of any gentleman in that House belonged to him. The House had come to the determination of granting the Prince Regent 100,000*l.* He did not object to that; but when they had given him the full measure which was demanded, it was not right that he should have it in his power, if any rapacious adviser should so direct him, previous to a declaration of war, (he would suppose with America,) to sweep the ships of that country from the sea, and thus put millions of money into his pocket. There was another point, of minor importance, which he also thought it necessary to notice; he meant the Leeward Island Duties. These also, he contended, were the property of the public, and should be brought in aid of the supply. His present Majesty, he was aware, had not given them up; but they had been given up by Queen Anne, and by George the First and Second. When a new agreement was about to be made, it was right that these disputed matters should be settled; and, before the Civil List act was passed, the House ought to come to a plain understanding on these two great questions. As those matters were constituted at present, they were not productive of so much benefit to the crown, as of evil to the public. What were they to think, when they saw those funds a constant source of corrupt influence; when they beheld the law officers stand up and talk of the sacred claim, which the crown had on them, and yet beheld ministers divide them among their relations and dependants? He alluded to the Leeward Island Duties, the property of the public, which were parcelled out among the ministers and their adherents. This he was ready to prove, and, at a future day, he would submit a motion to the House on the subject.

Mr. *Brand* stated, that he entirely coincided in what had fallen from the last speaker; his opinion decisively was, that the Droits of Admiralty ought to be given up for the benefit of the public. This question, however, was now in the hands of an hon. and learned friend of his, quite able to do it justice. He now wished to advert to another subject, the arrangements of the household. By the plan of the right hon. the Chancellor of the Exchequer, it was proposed to vote 170,000*l.* to the support and maintenance of the king and queen. This he thought a most immoderate sum. With respect to the means of supplying this expenditure, 100,000*l.* was to be taken from the Civil List, and 70,000*l.* to be provided by a vote of parliament. This vote he professed his intention of opposing in every stage. He thought that instead of the double transfer from the Prince's income to the Civil List, and from the Civil List to his Majesty's household, it was much better that there should have been but one, were it only for the sake of avoiding complexity. He was far from wishing that the Prince Regent should not enjoy every facility for discharging all engagements on his justice or his honour, but it certainly did appear that his Royal Highness would, upon a full balance, receive 70,000*l.* per annum more than his Majesty had been accustomed to receive.

The *Chancellor of the Exchequer* said, that he did not clearly comprehend what it was that he was called upon to explain by the hon. gentleman. He did not even know after all the hon. gentleman had said, whether both their views of the subject were not alike. The hon. gentleman, however, seemed to labour under one particular error, which was, that 70,000*l.* additional was demanded from the public for the establishment of his Majesty's

Digitized by Google

household alone. The fact was that the additional 70,000*l.* was granted in view of the establishments both of his Majesty and the Prince Regent; and when the hon. gentleman had candidly declared, that he did not think such an additional grant extravagant, he was at a loss to conceive the aim or strength of his objection. If he understood it at all, it must have been that the hon. gentleman complained of the additional grant of 70,000*l.* when the Civil List was given over to the Prince Regent in a diminished state of 50,000*l.* He should endeavour, as briefly and explicitly as he could, to explain what he said last night on this point; and he hoped that the hon. member would then see the state of the case in a satisfactory manner. In the first place, 100,000*l.* was to be taken from the Civil List, which, with the 70,000*l.* additional grant, would be appropriated for the establishment of the king. To supply part of this deficiency of 100,000*l.* in the Civil List, 50,000*l.* was to be taken from the Exchequer revenue of the Heir Apparent, and added to it; and instead of extinguishing the residue of this revenue, 53,000*l.* of it were to be continued to be received by the Prince Regent, and the other 17,000*l.* were to go as usual to the Princess. So that in fact the diminution of the Civil List was in contemplation of the more contracted expences which the smaller family of the Prince Regent would only render necessary; and the continuance of the 53,000*l.* to the Prince Regent of his Exchequer allowance, was in the view of its being just and necessary for his Royal Highness to satisfy those honourable obligations at which the hon. gentleman had hinted. The cause of adding the 50,000*l.* from the Exchequer allowance, to meet the deficiency of the Civil List, was to satisfy the ordinary charges of Lord Steward, Lord Chamberlain, and others, usually paid out of that fund. This was all the explanation which he had to offer the hon. gentleman on that part of the subject.—Another hon. gentleman had made some observations on the appropriation of the Droits of the Admiralty, to satisfy the general deficiency of the Civil List; and had alluded, with no little degree of severity, to what he called the distribution of that species of property, by ministers among their relatives, and dependants. If a history of the grants made from this fund should be required by parliament, he had for himself to say, that he would give every information in his power on the subject, in the fullest and freest manner. But he must say, that he never heard any of the grants made from that fund animadverted on before with any particular severity in that House. There certainly was one grant to an officer, (sir Home Popham), which was argued upon before, and had gone through a considerable deal of discussion; and which grant was made to that officer under the idea of the peculiar pressure of losses arising from captures and other sources. But as to any grants from ministers to the relatives or dependants of ministers, he would venture to say, that with the exception of this 12,000*l.* there was no such thing. There certainly was no grant which could justify the hon. member in making against ministers that charge of abusive distribution of this property, which the hon. gentleman had thought proper to throw out against them. The hon. gentleman stated, that whenever the law officers of the crown mentioned this property, they considered it as the sacred and private property of the crown; and yet that the ministers, in defiance of such declarations, dealt it out to their relatives and dependants. For his part he could state, and he did not know whether it was to him a misfortune or a merit, that for the last four years and a half that he had been in administration, neither himself, nor one of his relatives or connections, had received one single shilling of this money. It was his duty, however, to state, and it was also but justice to his predecessors to say, that if any man supposed that those funds, (he meant the Droits of the Admiralty, and the 4½ per cents duties, to which the hon. gentleman had likewise alluded) had been misapplied, he did not wish to keep any such misapplication from the knowledge of parliament, by resisting any inquiry which gentlemen might choose to institute for that purpose. For his own part, however, he begged again to declare, that not one farthing from those funds had ever been received by him.

Mr. *Creevey*, in explanation, stated, that he had confined his observations to the 4½ per cent. fund. He would pledge himself to prove that grants had been made.

The *Chancellor of the Exchequer* conceived that the hon. gentleman meant the observation to be generally applied, for so he understood him in terms.

Mr. *Brand* re-stated his objections, notwithstanding the explanation of the right

Digitized by Google

hon. gentleman, to the additional grant of 70,000*l.* to the Prince Regent.

Mr. *Yorke* observed, that of the 70,000*l.* which his Royal Highness received from the exchequer, a sum of 17,000*l.* was paid to her royal highness the Princess of Wales, and the difference between those two sums remained at the disposal of the Prince Regent.

Mr. *Fremantle* was disposed to vote any sum which could contribute to the comfort of his Majesty; but he must object to the manner in which that splendour and comfort was proposed to be afforded, and to creating a new Civil List revenue. He wished to know why the whole of the Civil List establishment was not transferred to his royal highness the Prince Regent. Was it from any distrust of the Prince that it was not to be so transferred? Did the right hon. gentleman suppose that his Royal Highness would not render all the comforts to his royal father and sovereign of which he stood in need? If it was necessary, he would give his Royal Highness 3 or 400,000*l.* in addition to the Civil List, if that could contribute to the happiness of his Majesty. Such a regulation as the one he now proposed would be infinitely more advantageous to the country.

Mr. *Sheridan* wished to say a few words respecting the Message of the Prince in the year 1803, mentioned last night. It appeared that this Message had not only been misunderstood by the right hon. the Chancellor of the Exchequer, but that it had also been misunderstood out of doors, and in particular, that the editor of a very respectable morning paper, the Morning Chronicle, had fallen into precisely the same mistake. With the permission of the House he would read the passage he alluded to—

The *Speaker* wished to know whether the right hon. gentleman meant to make a complaint against the person alluded to, because it was rather a novel thing to introduce newspapers, and make references to them in the manner the right hon. gentleman had done. In reminding the House of the novelty of the right hon. gentleman's proceeding, he had performed his duty, and it was for them to decide whether the right hon. gentleman should go on or desist.

Mr. *Sheridan* said, he would not urge the matter farther. He hoped his conduct had always been sufficiently respectful to the Chair and the House. He could assure the Speaker, however, that in the course of his parliamentary life, he had frequently known notice taken of minor misrepresentations out of doors, without the smallest intention of founding any specific complaint on them.

The *Speaker* said, if such was the pleasure of the House, the right hon. gentleman would proceed.

On this there were a few cries of question! and the subject was dropped. The Resolutions were then agreed to, and a Bill was ordered to be brought in thereupon.

COMMITTEE OF SUPPLY—MISCELLANEOUS SERVICES.] The House having resolved itself into a Committee of Supply,

Mr. *Yorke* said, that in the present circumstances of the country, it would not be expedient to reduce the number of seamen; and he should propose to the House, therefore, that the same number be voted for this year as for the last. He then moved,

1. "That 145,000 men be employed for the sea service for the year 1812, including 31,400 royal marines:

2. "That a sum not exceeding 3,345,875*l.* be granted for wages of the said men, for 13 months at the rate of 1*l.* 15*s.* 6*d.* per man per month:

3. "That 4,453,312*l.* 10*s.* be granted for victualling the same:

4. "That 3,675,750*l.* be granted for wear and tear of the ships:

5. "That 659,750*l.* be granted for ordnance for sea service on board the said ships."—Agreed to.

Mr. *Wharton* then moved the following Miscellaneous Services for the year 1812, which were agreed to.

	£.	s.	d.
For the relief of American Loyalists	20,000	0	0
For the relief of the Toulonese and Corsican Emigrants	12,000	0	0
For the relief of the St. Domingo Sufferers	8,000	0	0
For the relief of the Dutch Emigrants	3,800	0	0
For the relief of the suffering Clergy and Laity of France.....	123,152	2	0
For the relief of the French Emigrant Laity resident in Jersey and Guernsey	3,411	16	0
For the relief of the poor French Refugee Laity..	4,791	12	0
For the relief of the poor French Refugee Clergy	1,718	4	0

Digitized by Google

For Protestant Dissenting Ministers in Ireland ...	800	0	0
For Protestant Dissenting Ministers in England ...	1,700	0	0
For defraying the charge of the superintendence of Aliens	8,050	12	9
For defraying the expence of the Public Office, Bow Street, for 1812	12,000	0	0
For defraying the expence of confining, maintaining, and employing Convicts at home	70,800	0	0
For defraying the expence of Law Charges..	20,000	0	0
For defraying the extraordinary expences that may be incurred for Prosecutions, &c. relating to the Coin of this kingdom	4,000	0	0
To defray the charge of Printing for the House of Lords, and for printing Acts of Parliament, for the present Session..	21,000	0	0
For defraying the expence of printing Bills, Reports, and other Papers, by order of the House of Commons, during the present Session..	16,000	0	0
For defraying the expence of printing the Votes of the House of Commons during the present session	2,000	0	0
To make good the deficiency of the Grant of 1811, for defraying the expence of printing Bills, Reports, and other Papers	4,467	6	6

Mr. *Tierney* begged leave to take this opportunity of calling the attention of the House to what appeared to him to be a most shameful waste of the public money. He alluded to the extravagant manner in which plans and plates were printed, and particularly to those of the Bogs of Ireland, which were executed in a manner rather calculated to adorn a library than to instruct members in the subject they were intended to illustrate. The expence was become so heavy, that he was sure he should be pardoned for troubling the Committee on the subject.

The *Speaker* said, that the Committee had every reason to be obliged to the right hon. gentleman for calling their attention to the subject. The fact was, that great extravagance had prevailed in that department at different times. He supposed the Chairman of the Committee must have been generally imposed on. The House had already taken notice of these expensive plans, and determined as a check in future, that nothing should be published upon paper larger than a journal sheet without application to him. In furtherance of this Resolution, he had taken care not to give his sanction to any more expensive undertakings, unless when told by the Chairman of a Committee that it was indispensibly necessary. As to the case to which the right hon. gentleman particularly alluded respecting the scale of the plans of the bogs in Ireland, it was drawn in that country, and originally upon a much larger plan; on his objecting to it a smaller one was adopted, accompanied at the same time by a statement that a smaller one would not be sufficient to explain the subject to the House. Undoubtedly, if it was necessary to mark all the subdivisions, a smaller could not well be adapted, and the Committee might recollect that they were executed under the parliamentary commissioners appointed by the act for the Drainage of Bogs in Ireland.

Mr. *Tierney* said, he did not impute any thing to the right hon. gentleman, whose conduct he was certain was perfectly proper on the occasion; but he thought it his duty to call their attention to the fact itself. Some means ought to be devised by Parliament to prevent the recurrence of such practices.

Mr. *Fitzgerald* said that he had heard the subject a good deal discussed by the commissioners, whose opinions seemed to be, that a smaller plan would not answer the purpose.

The *Speaker* expressed a hope, that what had passed that night would make such an impression on the minds of gentlemen who were appointed Chairmen of Committees, as would call their attention particularly to the subject.

Mr. *Whitbread* begged leave, before the Chairman left the chair, to put a question which he feared should rather have been proposed when the vote for the seamen was proposed. The subject, however, had excited so much agitation in the public mind, that he trusted he should be

Digitized by Google

permitted to put it in the present instance. He did not mean to throw any blame upon any individual whatever, but he wished the right hon. gentleman would state to the House why those two great ships, the St. George and Defence, had been left in such a situation as had caused their loss, and by what means that loss was occasioned.

Mr. *Yorke*, evidently much affected, replied, that with regard to the loss incurred it was certainly but too true. The ships and the stores were of little importance, but the number of gallant lives destroyed by that unfortunate accident was important indeed. With regard to the circumstances by which we had sustained so great a loss, they were entirely owing to those accidents of wind and weather which it was impossible to foresee and to provide against. The ship Hero, the loss of which we had also to lament, was cast away, owing, he believed among other causes, to a fault in the navigation, and not making allowance for the current which prevailed in those seas. It was a matter that deserved consideration, in order to correct the error in the navigation in the North Roads, and by that means to provide against such occurrences hereafter. With regard to the ships alluded to in the hon. gentleman's question, he could state that orders were issued from the Admiralty, directing that no ships should remain in the North Seas after the 1st of November. The weather however prevented the convoy from arriving until the 17th of that month. In the storm one of the vessels fell foul of the other, which by the shock lost its rudder. After the Defence was sunk, the St. George was driven on shore, but expectations were entertained of her weathering out the storm, so much so that the admiral did not shift his flag, as he might have done. Unfortunately, however, those expectations were not realized. As to the detention of the convoy, it was owing entirely to the state of the weather; and so far was the admiralty from being to blame, that many applications were made for convoys to the Baltic, at a later period, and were refused.

Mr. *Whitbread* repeated that he did not mean to impute the slightest blame to any individual. He was perfectly satisfied with the right hon. gentleman's statement, and with the feeling which he manifested on the occasion.

Mr. *Hutchinson* inquired whether it was the intention of ministers to make any alterations in the establishment of the Royal Marines, so as to answer the reasonable expectations of that most useful corps. If not, he should, on a future day, submit a motion on the subject to the House.

Mr. *Yorke* replied, that as he should have another and a better opportunity of entering into the subject, he did not now think it necessary to give any direct answer.

NIGHTLY WATCH AND POLICE OF THE METROPOLIS.] Mr. Secretary *Ryder* said, that in rising to move for a Committee to examine into the State of the Nightly Watch of the Metropolis, he did not feel it necessary to enter at any great length into the reasons by which he was induced to bring forward such a motion. At the same time, he felt himself justified in stating, that if the expediency of the measure rested upon the late horrible murders alone, by which two whole families had been completely exterminated, the atrocity of those crimes would in themselves have afforded a sufficient ground. It was true that no system of police could prevent the commission of such murders, while there were persons vile and abandoned enough to commit them, under such circumstances of dextrous depravity; but as a better regulation of the Nightly Watch must have a tendency to diminish the chances, it was right that it should be resorted to. Those gentlemen who had seen other countries, and attended to their internal situation and government, must know that even in places where the peace was committed to the care of an armed police, a police furnished with all those powers, with which under a despotism it was possible to furnish it, without any regard to the prejudices of the people; they must know, that even in such places and under such regulations, atrocities such as those were committed almost nightly, without exciting any of those deep impressions under which the mind of this country at present suffered; and it might be regarded as a proof, that few acts of the kind were committed here, when they looked to the consternation excited in the present instance. It certainly was true, that for the last three or four months, offences, though not altogether of so horrid a description, were multiplied beyond the experience of former years; and though many accounts had

Digitized by Google

got into the public prints which were true, many also that had appeared were exaggerated, and many utterly false. He knew not whether the gentlemen around him were acquainted with the law by which the Nightly Watch was regulated. In former times each parish provided for itself, and it was not until the year 1774, that parliament had interfered, and passed an act which applied only to fifteen of the most populous parishes. By that act, directors and trustees were appointed, under whose controul, the watch, the patrole and the beadles, were all placed, and who were entrusted also with the power of assessing the rates upon each parish. It was no wonder that this act should be found insufficient at the present day, when they considered the enormous increase of the metropolis. He should not trouble the House by attempting to enumerate the various instances in which the provisions of this act were evaded and neglected: it would be sufficient to mention one. The act required that the trustees should appoint none but "able bodied men" to guard the streets at night, and he would leave to their own observation to decide how far this was complied with. He had been credibly informed that there were many instances in which those who were too old to earn their bread, were appointed to the situations of watchmen, in order to prevent their becoming a burden to the parish. These certainly were not the men to secure the lives and properties of the inhabitants of this vast metropolis. And if the House agreed with him in the appointment of the Committee for which he should move, it would be for that Committee not only to consider the act of parliament he had alluded to, but also the variety of local acts upon the same subject. It would be for them to decide whether it was advisable to alter the system entirely, or whether it would be sufficient to enforce the present act without any innovation. It would be for them to consider what course they would recommend, and therefore it was quite unnecessary, indeed it would be unbecoming, in him to anticipate that by proposing any arrangement of his own. As far, however, as he had thought upon the subject, he had no objection to state generally, that he rather inclined to the notion of enforcing the present system by adequate provisions, than of having recourse to any new act. It was material, he thought, for him to state, that when the legislature found it necessary to turn their attention to this subject, they did so in consequence of the variety of local acts applicable to each parish, and producing a confusion which it was of the utmost consequence to remedy: for instance, the parish of Pancras was divided into seven districts, each of which had its own local acts. The interests of the parties thus created, should be discussed and reconciled as well as possible with the new arrangement; and this was one of the principal reasons which had induced him to prefer the appointment of a Committee, to any other mode of proceeding. The House had adopted the same course in the year 1774, and it was his intention, in the present case, to propose those gentlemen to be on the Committee, who were most interested, as well as most likely to be acquainted with the nature of the different interests that would be affected by the change. He should therefore move, if the House agreed to the appointment of the Committee, that the members for London, Westminster, Middlesex and Surrey, should be members of the same.—The right hon. Secretary concluded with moving, "That a Committee be appointed to examine into the State of the Nightly Watch of the Metropolis and the Parishes adjacent."

Sir *Samuel Romilly* said, he was utterly surprised at the confined terms of the motion just made by his right hon. friend. No one, he was persuaded, who was acquainted with what had recently passed, and with the alarm and terror which had spread throughout the metropolis, but must have expected that some more extensive measure would have been resorted to than that now under consideration. He should have thought, that a Committee appointed upon such an occasion, would have found it necessary to inquire, not only into the state of the Nightly Watch, but into the causes of the alarming increase of felonies and crimes; and he was sure, that a comprehensive view of this kind would be more calculated to produce the desired effect than the contracted course recommended by his right hon. friend. He had no other means than were common to every one of informing himself upon the different facts connected with this question; but no doubt, he imagined, could exist of the increase of crimes of an atrocious character, whatever opinion might be entertained of the causes

Digitized by Google

which led to that increase; and if such a doubt did exist, a reference to the Returns upon the table, which he had the honour of moving for, would be quite sufficient to remove it. By that document it appeared, that for the last five or six years there had been a gradual and regular increase of crimes in London and Westminster; and, without adverting to the quarter sessions, the number committed for trial at the Old Bailey alone, was such as could not fail to excite the surprise of those unacquainted with the subject. He would briefly state them to the House. There had been committed to take their trial for felonies of various kinds, at the Old Bailey,

In the year	1806	899
	1807	1017
	1808	1110
	1809	1314
	1810	1424

The number who had been committed during the year 1811, had not been ascertained, but from the above statement it appeared, that there had been an increase of committals during the short period of five years, of 525; and this, too, during a time of war. For it was a received maxim, that fewer offences were committed in a period of war than in a period of peace; seeing that many bold and daring characters were embarked in the service of their country, and rendered useful against her enemies, instead of becoming dangerous at home. Among all the calamities that attended a state of war, there was hitherto one advantage to be derived from it, namely that it afforded greater domestic security in the way he had already described. But in the case of this country of late, so far from being able to calculate on this solitary advantage, we were presented with the melancholy phenomenon of a protracted war, and a continually increasing measure of offences, against the peace and good order of society.

What, then, it would be right to inquire into, were the causes to which this augmentation was to be attributed? Many might be urged, but at present he would only notice a few, with a view to impress upon the House the absolute necessity of going into a more extensive examination of this subject than would be embraced by a Committee appointed to inquire into the state of the nightly watch. The first cause, perhaps, was the system of punishment, so long, and he would say, without meaning offence to any individuals, so obstinately perserved in. He did not allude here to the frequency of capital punishments, but to the punishments less than death, and, above all, to promiscuous imprisonment; where men of comparatively slight and then convicted of most heinous crimes, the youngest and the oldest villains, were confined together, particularly on board the hulks; and when they were discharged, no means of gaining a living was provided for them. After studying for years, these unfortunate persons were thrust out of these colleges of vice, to practise upon society the lessons they had learnt. He knew not whether the fact were so, but certainly a very general belief prevailed, that the numerous crimes lately perpetrated were in a great measure owing to a recent unusual discharge of convicts from the hulks, to whom no moral instruction had been afforded, no trade had been taught, no employment given. It might have been hoped that the late examples would have convinced ministers of the absolute necessity of some change in the criminal law; but upon this point it was not necessary to enlarge, as a Committee had been appointed upon the subject, whose Report would be hereafter discussed, although he fared it would not embrace so wide a field as could have been wished.

But he was convinced that many of the evils which existed, had their foundation in the very constitution of the Police itself, which tended more to the increase than the suppression of crimes, and he was anxious that if a reformation so extensive as he proposed was not adopted, that, at least, some enquiry should be made into the State of the Police. Among many bad practices on this head he would state one, which, in his mind, abounded with the most mischievous consequences, he meant the rewards, both public and private, given for the detection of offenders of a certain description; when he recollected, that the prevention of crimes was supposed to depend peculiarly, if not entirely, on the police officers, who alone were acquainted with the haunts of the most abandoned characters; when he recollected, that it rested with the police officers to discover or to conceal those offenders; and, when he considered, at the same time, that they had the strongest possible interest not to prevent, but to multiply crimes.—When he reflected on all this, which flowed as a consequence from the acts of the 4th and 5th of William and Mary, followed

Digitized by Google

by the 7th of queen Anne, offering 40 or 50 pounds for the apprehension of offenders, it was hardly possible for him to doubt that, unless the police officers (of whom he did not mean to say any thing severe) were men of the most refined principles of humanity and morality—unless they supposed them un-influenced by those motives which actuate the great mass of mankind—unless they supposed all this, they could not doubt for a moment that they would prevent the detection of an offender, until his crimes increased his value, by increasing the reward for his apprehension. He was informed that there was hardly a chance of recovering property without advertising a reward, which operated in its consequences a similar effect to what was produced by expedition money in any of the public offices, namely, that of retarding the business of all others, while it expedited that of the individual; and the consequence of this again was, that, besides the mischief accruing from the loss of the property in the first instance, the sufferer must lose more before he could get at the offender. In the year 1785 a bill had been brought in, proposing a great alteration in the police, and abolishing rewards altogether, but vesting in commissioners the discretion to reward police officers according to their deserts; but in his opinion, whether rewards were abolished or not, they ought never to be given to police officers, and could be useful only in the case of accesaries after the fact, to induce useful discoveries to be made by persons implicated in the guilt. It was well known that the police officers went into places open for the reception and entertainment of thieves and other abandoned characters, as openly as a merchant would go to the stock exchange, or as a gentleman would go to that part of his manor where he expected any particular kind of game. He did not undertake to say that this was generally done, but he knew that it was the general impression that it was done; and when such large sums were voted for the police establishment as had been voted that very night; could it be endured with patience that such abuses should exist in the face of decency and common sense? His right hon. friend had talked of other countries, as affording greater and more frequent instances of atrocity than this: good God! where did these countries exist? He knew them not: he had never heard of them: he never remembered to have read of whole families destroyed by the hand of the murderer in any country but this. He believed that in Paris there was a large proportion of crime, but he had never known any flagrant enormities during his residence in that capital at different periods. His right hon. friend wished to console the House by the comparison with other countries; but he had never heard any instances of such boundless confidence in guilt, such progressive insolence as had been recently manifested in the British metropolis. His right hon. friend had talked only of the nightly watch, but he would ask him where was the daily watch? He would ask whether all the precautions of the nightly watch would provide a remedy against the daring highway robberies committed in the open day? Perhaps, however, he was premature in his complaints, and that his right hon. friend had some plan in store to meet this crying evil; but he must say that there was much more than he had stated, both in the police and in the state of crimes, which loudly demanded the interference of that House; the streets were infested with criminals of different decriptions, and there were other causes of less magnitude, which concurred to the depravation of the public morals; he considered the encouragement of lotteries as one; nor was the paltry gain of 500,000*l.* a year sufficient to compensate for the great evils they produced. He did not mean invidiously to introduce any thing like politics into the present discussion, but he could not help thinking, that the disposal of commissionerships and other offices, operated as an inducement with government to countenance the continuance of Lotteries, productive, as they were, of incalculable mischief. There were other means of moral improvement, such as the instruction of the poor, which he would not now enlarge upon, but would sit down with expressing his hope that the motion of his right hon. friend would be withdrawn, and submitted in a much more comprehensive form.

Mr. W. Smith could not refrain from making a few observations on the present important subject, although he could not hope to add any weight to the arguments so ably urged by his hon. and learned friend. He regretted, however, that his hon. and learned friend had sat down, without proposing an amendment, for the

Digitized by Google

purpose of extending the objects to which the Committee were to direct their attention, and he trusted that such an amendment would yet be proposed. There were one or two circumstances which proved the absolute necessity of such an extension of object. In the first place, if the House attended to the nature of those most horrible and barbarous outrages which for two months had kept the metropolis in a state of perpetual alarm, and more particularly the atrocious murder of Mr. Marr's family, (the authors of which had never yet been discovered,) it would be evident, that had the nightly watch of the metropolis been in the best possible state, those outrages and that murder could not have been prevented. They originated in a set of villains about the town, whose existence was not imputable to any deficiency in the nightly watch. In the second place, if the nightly watch could operate upon them, of what nature would be that operation? Unless some change could be produced in the disposition of those villains, the only effect that could by possibility be occasioned would be to drive them out of the metropolis into the environs. The surrounding villages would be deluged with depredators, against whom they would have no protection. He confessed that he had long been extremely scandalized (if he might use that term) by the number of accounts which had reached him of the familiarity that existed between the officers of the police and the disturbers of the public peace. This familiar intercourse was a matter of general notoriety, and surely it must, in a variety of ways, have a most deteriorating effect on the public morals. It must operate on the thieves themselves, who could not consider themselves so sufficiently as they might, the objects of public detestation, when they knew they could sit and enjoy themselves in their favourite public-houses until some one should be called out whose measure of guilt was full. It must also operate on the officers of the police themselves, who could not possibly entertain the proper feeling with which criminals ought to be regarded by them, while they continued to sit down at the same table with them, and to drink with them as associates until the very moment when they pounced upon their prey. If he gave to this statement too high a colouring (which he really believed he did not), if the fact were even incomparably less strong, it would nevertheless deserve animadversion and demand correction. He was, however, far from wishing that the subject of the nightly watch should be omitted from the consideration of the Committee. He thought it extremely deserving of notice, and he was persuaded, that if the nightly watch were put on a better footing, much good would result. His objection, therefore, to the motion was not, that it was wrong, but that it stopped incomparably short of the object which it was desirable to attain. It was well known, that in one parish of the metropolis, inhabited principally by the lower classes, great good had been effected. By parochial exertions tending to improve the nightly watch, the parish of Christ's Church, Spitalfields, instead of the scene of riot, uproar, and crime, which it formerly presented, had become almost proverbial for its extreme good order and regularity. If similar regulations were adopted at the west end of the town, a great deal would certainly be done towards providing for the safety and comfort of all, and towards improving the morality of the lower classes. Much praise was in his opinion due to the worthy and respectable individuals who had taken this matter in hand, and he should be very happy to hear that a similar public spirit pervaded the whole metropolis. He concluded by repeating his entire approbation of every thing that had been said by his hon. and learned friend, and his hope that an amendment would be introduced to the motion, extending the power of the Committee to an inquiry into the State of the Police, as well as of the Nightly Watch.

The *Chancellor of the Exchequer* could not doubt, that under all the circumstances of the case, the House would have no hesitation to agree to the motion of his right hon. friend; for having paid every attention to the arguments of the two hon. members who had spoken on the opposite side, he found that these arguments were directed not against the proposition, but against its limited nature. It must, however, be considered, that the motion of his right hon. friend related to a subject which could not be passed over in a morning or two, and which therefore would not bear to be loaded with all the theoretical considerations which his hon. and learned friend on the opposite side had suggested. Indeed the subject to which the Committee would have to direct

Digitized by Google

their especial attention, was one calculated to engage it very seriously. Their object would be to provide a practical remedy for a practical evil. His hon. and learned friend might certainly differ from his right hon. friend with respect to the value of the remedy, but he was sure that the hon. gentleman who spoke last could not do so, after having enlarged so much on the advantages in a particular district, resulting from the adoption of measures similar to those recommended by his right hon. friend. For what was the proposition of his right hon. friend, but that a Committee of the House of Commons should consider the propriety of enforcing in all the parishes of the metropolis, regulations, from which so much good had resulted in the parish alluded to by the hon. gentleman? Certainly, there was one qualification of the hon. gentleman's opinion on this subject which was extremely disheartening. The existing evil was great, and was felt locally; "but," said the hon. gentleman, "take care how you apply a remedy, for if you cure the evil in the metropolis, you will drive it out into the neigbourhood." Now, for his part he thought it advisable to cure the evil, if possible, where it did exist. It was to be lamented if it should go elsewhere, but if it did so, thither it ought to be followed, and there crushed too. The hon. gentleman, in the same breath in which he described the happy influence which the regulations in Spitalfields had occasioned, deprecated the adoption of the regulations proposed by his right hon. friend, lest, although advantageous to themselves, they might prove inconvenient to the neighbouring parishes. The fact was, that the question before the House involved the interests not of the metropolis alone, but of all the adjacent parts. Such an extensive subject was calculated to produce much discussion, and therefore it was probable that the inquiry would not be terminated so soon as was anticipated by his hon. and learned friend. His hon. and learned friend had touched on the nature of punishments, and had ascribed a great part of the moral depravity of the times to the particular mode of confinement to which prisoners were subjected; but he apprehended that this was an inquiry which his hon. and learned friend did not wish should be referred to the Committee now proposed. It certainly was not desirable to engraft the business of a Committee of Penitentiary Houses, upon the business of a Committee appointed for another purpose. There had already been a Committee on that subject; a report had been made by it, and notice given of a measure to be proposed arising out of that report. Whether it might or might not be expedient to revive the Committee to which he had alluded, was a question by itself; but he was persuaded that the House would not accelerate the acquisition of the benefits so much needed at the present moment, by complicating the objects to which the attention of the Committee moved for by his right hon. friend was to be directed. His hon. and learned friend had asked, whether it was right to continue the practice of granting high rewards for the apprehension of culprits of a certain class? This was a grave subject for deliberate discussion. It ought not to be lightly concluded that those rewards were disserviceable. It might be that they were so; but this was by no means certain. It might be true, that the strength of the stimulus which high rewards offered on the detection of great offenders, operated inversely on the detection of petty offenders. It might, however, be true, that instead of abolishing rewards altogether, it would be wise to extend them to the detection of petty offences, in order that petty offenders might be stopped in their career, and not allowed to proceed to the commission of enormous crimes. On all these subjects a variety of opinions must naturally exist; but he could by no means allow that the Committee proposed by his right hon. friend could be so well calculated to discuss those opinions as one expressly constituted for that purpose. With respect to what the hon. gentleman had said of the familiarity that existed between the police officers and the culprits, there could be no doubt that stories of that description had been constantly written and told from Jonathan Wild's time down to the present moment. No one, however, could say that that familiarity, which was evidently not novel in its kind, had been the immediate cause of the late unprecedented outrages. He certainly did not mean to contend, that because an evil had long existed, it ought not to be corrected, but it was impossible to ascribe the recent increase of offences either to the rewards granted for the detection of great offenders, or to the familiarity which existed between the offenders and the police officers; because both

Digitized by Google

these circumstances, so far from being new, were of very ancient date indeed. But when the hon. gentleman proceeded to say that the officers were reprehensible in not apprehending those individuals of a suspicious character, with whose persons they were acquainted, it behoved the House to consider how far any extension of the operation of the police would be expedient, and how far it would be advisable that they should take up persons not for the crimes which they had committed, but only on suspicion of the crimes which they might possibly commit. The imprisonment of such persons could be but short, and was little calculated to be beneficial to themselves, or to the community. If the villain (Williams) who had lately disappointed the just vengeance of the nation, by violently withdrawing himself from the punishment which awaited him, had, previously to the commission of his crime, been apprehended on suspicion, the period of his imprisonment could have been but short, and the place of it calculated, according to the hon. gentleman's own statement, to nurture every description of criminal feeling. The particular outrage which had excited such feelings of horror and detestation in the metropolis, and the perpetrators of which, the hon. gentleman said, had escaped detection, was still wrapped up in mystery. It undoubtedly seemed strange, that a single individual could commit such accumulated violence. The probability was, that he was incapable of doing so; but on this subject no certain opinion could yet be formed. If this outrage was actually committed by the individual to whom he had before alluded, it was untrue to say that the culprit had not been found; but certainly he must repeat, that it seemed strange to him, that such devastation could be occasioned by a single individual. At the same time, as far as he had been able to trace the circumstances of the case, it appeared to be yet uncertain whether or not others were concerned in this horrible atrocity. But as the hon. gentleman had himself said, no state of nightly watch, however excellent, could have prevented such a crime. Indeed he hardly knew in what system of police a prevention could have been found. If such enormous guilt lurked in a human breast, no system of government could hinder it from endeavouring to effect its object. It might be close to us; it might be in our houses. The only security against such crimes was the manner in which the general sentiment of mankind hunted down the individuals by whom they were perpetrated. In his opinion, the general increase of trials at the Old Bailey was a much greater ground for the motion of his right hon. friend, than the two horrid murders which had been committed; for such events as the last were not the more likely to occur again because they had occurred within the last three months. It appeared to him, that what had been said by his hon. and learned friend, and by the hon. gentleman, was not in opposition to the motion of his right hon. friend. As far as that motion went, he apprehended it was agreed to by every one. It was required by the present state of the metropolis, and he trusted that those who thought that the inquiries of the Committee might be beneficial, would be cautious how they clogged these inquiries with subjects not immediately connected with them. When the Committee was sitting, if it were thought desirable that they should take into consideration any other subject, instructions to that effect might be given them; but he deprecated any proceeding in the first instance which would impede them in their present endeavours to provide a practical remedy for the existing evil.

Mr. *Abercromby* observed, that the objection of his hon. friend to the motion of the right hon. gent. was, that it was too narrow in its limits. The right hon. the Chancellor of the Exchequer had been more distinct on the subject than the right hon. mover. He had said, that the object was to provide a practical remedy for a practical evil. Now in order to see which argument was the more correct, that which asserted that the proposed object of the Committee was sufficient, or that which asserted that it was not sufficient, let the House but consider the nature of the evil which was intended to be removed. He perfectly agreed with the right hon. gent. that however the general feeling might be harrowed by the late horrible murders which had been perpetrated, yet that those murders were not the grounds on which the appointment of a committee ought to rest; but that those grounds must be founded in the general increase of crimes which the law and the police were found incompetent to check. How, he would ask, could the appointment of a Committee to consider merely the state of

Digitized by Google

the nightly watch be deemed likely to afford a practical remedy for this practical evil? This was a point which the right hon. gent. had in no way explained. The natural argument was, that those who felt that they were insecure, looked to government for protection. They looked to the police; and he contended that nothing had been advanced to prove that the state of the police ought to be excluded from the consideration of the Committee, and that that consideration should be limited to the state of the nightly watch alone. The propriety of extending the consideration of the Committee to the state of the police was obvious. It was evident from the growth of crimes that the police was inadequate to its object. It was most desirable, therefore, that the Committee should be empowered to enquire of the police the nature of their inadequacy; and to learn the causes to which they imputed the increase of offences. For his part he believed that the causes stated by his hon. and learned friend near him, had tended materially to increase the number of recent offences. One fact he knew, that in consequence of a visit to the hulks, a number of representations had been made to him by persons confined there, which went to show that other prisoners, who had been confined for crimes of a much more aggravated nature than those of which the individuals from whom the representations proceeded had been guilty, had been liberated in great numbers. He certainly did not state this as a fact in which he entirely believed, but the matter had been communicated to him in such various shapes, that he confessed himself curious to know from the right hon. Secretary of State how it actually stood. The right hon. the Chancellor of the Exchequer had deprecated clogging the Committee with what he chose to term theoretical considerations. If the motion, however, was amended in such a way as to extend the enquiry of the Committee to the state of the Police, he could not see how that would clog them; because they might, in the first place, take into consideration the state of the nightly watch, and report to the House the facts, and their opinion thereon, and then proceed to the consideration of the state of the Police. It was no answer to him to say, that the Committee being in the first instance constituted to enquire into the first object, might be subsequently vested with powers to investigate the other; for, in the present extremely perturbed state of the public mind, it would afford no satisfaction to it to be told, that all the immediate remedy contemplated for the existing evil was some small improvement in the state of the nightly watch. It would be much more satisfactory to announce to the public, that the House had constituted a Committee for the purpose of entering upon an enlarged and vigorous inquiry into the causes of the rapid and alarming increase of crimes. It certainly was most extraordinary to hear the right hon. gent. term the consideration of the causes which prevented people from sleeping quietly in their beds "theoretic." The right hon. gent. must certainly have meant this observation jocularly. Indeed he had treated in the same manner a very solid and judicious remark made by an hon. friend near him. His hon. friend had said, that if by a vigorous exertion of the police, all abandoned characters should be excluded from the metropolis, they would be diffused, and would perpetrate offences elsewhere. On this remark the right hon. gent. had thought fit to be humorous. The intention of his hon. friend was only to shew the necessity of coming at the root of the evil—of ascertaining the defect of the present system. If the House neglected to do this, they would be deficient in their duty, and he would therefore move as an Amendment to the original motion, the addition of the following words:—"And also into the state of the Police of the metropolis."

Lord *Cochrane* ascribed the origin of the evil complained of, to the Pension List, and to the various other modes by which individuals of the higher classes, and particularly members of that House, partook of the public money, without performing any public service. The enormous expenditure of the state, to which such abuses contributed, had the effect of grinding the lower classes, and of driving them to the commission of offences of which they otherwise would have never thought.

Mr. Secretary *Ryder* professed himself unable to understand the bearing of the noble lord's observations. He could not conceive what the Pension List had to do with the question before the House. He had no objection to the Amendment proposed by the hon. and learned gent. provided he would consent to substitute the word "further," for the word "also," in order that the primary object of the Committee might be that which he thought a

Digitized by Google

great practical benefit. Adverting to the question of the hon. and learned gent. respecting the persons alleged to have been recently liberated from the hulks, he allowed that a great many had been so liberated, but he denied that the offences for which they had been confined were of an aggravated nature. He had inquired particularly into the subject, and the information which he had received led him to entertain the firm persuasion that not any of the persons alluded to, had returned to their former depraved habits of life. He had also endeavoured to investigate the cause of the great and recent increase of crimes, and, as far as he had been able to discover, it appeared to him that it was to be found in the number of persons who had lately returned from transportation, and had unfortunately resumed their old practices. In justice to the police officers, he must beg leave to notice the accusation made against them, by the hon. and learned gent. opposite, when he stated that they were never disposed to detect offenders, unless a great reward was offered to them for that purpose. A similar suggestion had some time ago been made to him from another quarter. He had had recourse to the best authority, and he had been assured by the magistrates, who were surely the most competent to give an opinion on the subject, that no such indisposition existed; and that if any such indisposition were manifested by an officer, he would be immediately dismissed from his situation. He was convinced that greater efforts to detect offenders had never been made, than those which the police officers of the metropolis had made during the last two months.

Mr. *Abercromby* acquiesced in the alteration of the word in the motion.

Sir *S. Romilly* begged leave to make a few observations on what had fallen from the right hon. Secretary. The right hon. gent. talked of the great exertions which the police officers had made during the last two months. Did he recollect that a reward of upwards of 700*l.* had been offered to those who should detect and prosecute to conviction the perpetrators of the crime? He did not wish to speak harshly of the police, but he did think it a most monstrous evil, that so many persons had been taken up on that occasion, upon such slight grounds of suspicion. Among them was the nearest relative of one of the murdered persons, who, on no ground whatever, had been apprehended and kept 48 hours in custody, on the dreadful charge of having murdered his brother. One way and another no less than forty or fifty persons had been apprehended on bare suspicion. He could not therefore join in the right hon. gentleman's commendation of the police officers, when he considered the high reward by which they were stimulated, and the number of persons whom they had apprehended, in the most light manner. He was glad, therefore, that the House had agreed to inquire into the state of the police. It ought to be remembered, that when the police was originally established it was new to the constitution, and was introduced only on the supposition, that some great benefit would be derived from it, which would justify parliament in departing from those principles by which they had, until that period, been guided on the subject. It was time to ask, whether the expected advantages had accrued?

Sir *F. Burdett* expressed himself happy to find that a suspicion, which he confessed he had entertained, namely, that an advantage would be taken of the alarm of the public mind to extend the police of the metropolis, had proved to be unfounded. As to the motion itself, it was utterly impossible for him to oppose it for an instant. Indeed, he was convinced that if the system of nightly watch were made, what in his opinion, it could easily be made, the necessity of any police whatever might be precluded, as the possibility of committing any crime would be prevented. This, however, could not be done on the present principles. But if the country chose to revive the old law of Edward the first, by which every county and parish was made responsible to every householder for the losses he might sustain, and by which every householder was compelled in his turn to watch for the protection of others, effectual security would be afforded to the community at large, without the immediate interference of any police, and the respectable part of the population, thus accustomed to the use of arms, might be rendered available to the defence of the kingdom, in the event of invasion by a foreign enemy; or at least would be competent to repress all internal disturbances. Hoping that some plan of this sort was in the contemplation of government, he gave his complete assent to the motion. He was very happy that the amendment had received the concurrence of the right hon.

Digitized by Google

gent. opposite, for it appeared to him to be indispensable to inquire into the abuses which he believed had crept into the police establishment. It was his determination to move for a list of the Police Magistrates who had been appointed, with their several qualifications, in order to see whether the law on that subject had not been wholly disregarded. The 32nd of the king directed that the Police Magistrates should be appointed from the acting magistrates, and that their qualification should be the possession of 100*l.* a year in freehold property. He suspected that these enactments had been departed from, and he would take an early opportunity of ascertaining the fact. The subject was one of a wide range, and he trusted the House would closely investigate the cause of a rapid accumulation of crimes, of which the history of the country afforded no precedent. He attributed this, in a great measure, to the neglected state of our criminal code, the necessity for revising which had been maintained by almost all the great men who had written or spoken on the subject. It was lamentable to see the legislature so careless in a matter on which the lives and property of millions depended. The right hon. Secretary of State had professed to see no connection between the observations of his noble colleague with regard to the Pension List, and the subject before the House. The connection was nevertheless intimate. If the morals of the higher classes were depraved, the general morals would be depraved also. The argument of the noble lord went to shew, that it was dishonest in public men to receive the public money without performing any public service. This example of dishonesty must spread through the whole community, and must have the effect of undermining every sound principle of justice and morality.

The *Chancellor of the Exchequer*, in acceding to the amendment, begged to disclaim all idea of imputing misconduct in the case of the police magistracy, either as to their appointment in the first instance, or with respect to their conduct on the present critical occasion. He had not at first thought it necessary that the words of the motion should be enlarged, because he conceived it to be a matter of course, that all necessary means of establishing security would be enquired into by the Committee. An hon. and learned gentleman had himself practised upon him the facetiousness which he had imputed to him, when he supposed that he looked upon any regulation of the police as a theoretical scheme. He entertained no such idea; but he had thought, that the present question might be encumbered with speculative clogs, if enquiries were ingrafted on it relative to the state of punishments, and the criminal code; or, what was not impossible, since the members for Westminster were on the Committee, if an investigation was instituted as to the expedience of a reform in parliament. On the whole, he thought that a consideration of the means of prevention of crime, in the power of the police, would form a very proper accession to the present enquiry.

Mr. *Sheridan* began by animadverting upon what appeared to him to be the extraordinary conduct of the right hon. Secretary of State, upon a subject of such delicacy and importance. After the alarms that the recent atrocities had spread throughout every part of the metropolis; after the general and feverish anxiety of the public for redress and protection, down came the right hon. gentleman to that House, and in order to remove at once, and effectually allay all alarm and anxiety whatever, solemnly proposed that a Committee should be appointed to inquire into the state and condition of the nightly watch! This would have been at any time the meekest of all meek propositions; but at the present crisis it was not only the meekest, but he must beg the right hon. Secretary's pardon, if he added, the silliest proposition that could possibly have been made. The state of the nightly watch! Why, what became of the act of parliament that created in each parish the appointment and controul of those watchmen? Were not the provisions of that act sufficient, if carried into effect, to provide for and maintain the peace of the metropolis? And if they were, had the magistrates or those persons entrusted with carrying those provisions into effect, done their duty? Had not the several parishes ample powers to enforce the regulations of the act, and secure their respective peace and safety? But though by the laws the power was lodged in each parish, they were now called upon to enquire into the state of the nightly watch. Why not go further and move for an inquiry into the state of the parish nurseries? (a laugh). But the right hon. Secretary came before them

Digitized by Google

brimful of information; he told them that the act required able-bodied watchmen; and then he told them that the men employed were not able-bodied, because, forsooth, they were weak, old, and decrepid—very satisfactory reasons certainly why they could not be very active, young, and vigilant! And then the right hon. gent. told them further, that these sort of men were unfit for their situations, that the service, in short, wanted recruits; and that as at present there was no watch to protect the city at night, that therefore they ought to proceed, with all due deliberation, to inquire into the state and condition of the nightly watch. To be called upon gravely to all this was bad enough; but to be called upon, with all the characteristic gravity of the right hon. Secretary was scarcely supportable. That right hon. gentleman knew the importance his manner could give to trifles—he was in the habit of throwing such an inflexible air of grave solemnity round all he had to offer to that House, that there was really sometimes danger lest they should attach to the matter what belonged to the manner merely. But what was the object of the right hon. gentleman? If he had not an immediate, perhaps he had a remote one. Did he mean to entrench upon the charter of the city of London? And if he did, was he sure that the hon. baronet (sir Charles Price), would concur with him in such an object? Did he know what his hon. and worthy friend behind him (alderman Combe) would say to such a proposition? a gentleman who had throughout his public life, evinced such a praise-worthy zeal in behalf of the rights of all his fellow-citizens—was he quite sure that he should have his assistance in a scheme that was to touch the corporate rights of the city of London? Had the right hon. Secretary consulted either of those gentlemen? Had he taken the least pains to consult with any one magistrate, before he came down to his place in that House with his formidable proposition of inquiring into the state and condition of the nightly watch?—When those horrible atrocities were first committed in the neighbourhood of Shadwell, they all remembered how eager vulgar prejudice was to fasten upon a foreigner—people grew all of a sudden thoroughly persuaded that there was evidence upon the face of those murders to shew that they were perpetrated by Portuguese, and by none but Portuguese: 'Oh! who would do it but Portuguese' was the general cry. Prejudice, however, did not long stand still upon the Portuguese. The next tribe of foreigners arraigned and convicted, were the Irish—(a laugh)—it was nothing but an Irish murder, and could have been done only by Irishmen! Beastly as this prejudice was, the Shadwell magistrates were not ashamed to act up to it in all the meanness and bigotry of its indignant spirit, viewing the murder in no less a light than that of a Popish plot. They commenced an indiscriminate hunt after the Irish people; and when they had them before them, in order to come at once to the plot, they began with the deep leader of 'are you a Papist?' or, 'if you deny that you are, shew that you don't know how to cross yourself.' Amidst this general suspicion of aliens and Irishmen, he wished to know whether the right hon. gentleman had thought it necessary to resort to the Alien Office. He wished to know whether he had ever any consultation upon this subject with the gentlemen at the head of the Alien Office. Had he asked Mr. Reeves one single question about this formidable proposition of enquiring into the state of the nightly watch? He had once moved in that House, that the gentleman to whom he alluded (Mr. Reeves) should be prosecuted for a libel upon that House by his Majesty's Attorney General; yet he should not fear to appeal to that gentleman to confirm him in saying, that the right hon. Secretary had had no communication with him whatever. He asked of that right hon. gentleman whether he had ever been in the same room with Mr. Reeves? whether he had ever seen him for the last year and a half? From this one circumstance the House would see what sort of a head of a police they had in their present State Secretary for the Home Department. Had he consulted with the head of the Alien Office? Had he consulted with the proper officers of the district? Had he consulted with the police magistrates of any of the divisions? Had he consulted with any one likely to give him information upon the subject? If he had not, and he believed he had not, then was it to be the less wondered at, that the right hon. Secretary for the Home Department had thought it sufficient, upon such an occasion, to be delivered of his solemn proposition for inquiring into the state and condition of the nightly watch! But

Digitized by Google

grave and solemn as this proposition was, the right hon. Secretary had agreed to abandon it, and for what? An Amendment, that was as odd and new a proposition for amending an original motion, as any he had ever heard proposed. In general an amendment was some small addition to, or alteration of, the words of the original motion; but here the original motion was but a small scrap of the amendment; it was like tacking the loaf to the crust and not the crust to the loaf; so that his learned friend's large loaf had quite hid from their view the morsel of crust which the right hon. Secretary had proposed for their relief. It was pretty much in the same way as if the original motion had been for a Committee to inquire into the amount of the pitch and tar lodged in one of his Majesty's dock-yards, whereupon it should be proposed to move as an Amendment, that the said Committee be further instructed to inquire into the state of the Naval Stores, Victualling, Manning, Equipment, and general Discipline of his Majesty's Navy. As to the original motion in the case before the House—the state of the nightly watch of this city, it could be inquired into within three hours; but the general state of the police of the metropolis could not be inquired into satisfactorily within as many months; what was to be done in the interval? In the year 1780, he had submitted to that House a motion on the then state of the police, and when he complained of the conduct of the lord lieutenant of the county, for whom, however he entertained a great personal respect, the repartee he got in return was, being told that himself, and his friends general Fitzpatrick and general Burgoyne, were put in the commissions of the peace, and were bound to do their duty—so that every man that attempted to complain, was threatened to be made a magistrate of. But was there not some inherent vice in the system? Was there no jobbing in the appointment of some of those police magistrates? Would the right hon. gentleman say that there were no jobs in the making of those appointments? Were not many persons kept in these situations who were totally unfit to discharge the duties attached to them? The worthy baronet (sir F. Burdett) had mentioned his intention of moving for names; this certainly might be considered as an invidious task, but ought not to deter a man from doing what he considered his duty. For some of the police magistrates he entertained the highest respect, and he mentioned with pleasure the name of Mr. Aaron Graham, who had rendered the public considerable service, in his conduct in the superintendence of the hulks. He thought, too, that the magistrates of Bow-street office had been uniformly active and vigilant. But what should he say of the magistrates of Shadwell? How should he attempt to describe a conduct, in which folly and rashness were constantly endeavouring to make amends for the grossest neglect of duty? At one time we saw them mixing in the indiscriminate cry of the mob, and greedily indulging in the prodigality of seizing upon every man with a torn coat and a dirty shirt; and at another, leaving Williams with all the means necessary to commit self-murder; let one fact speak more strongly than words could do to their general conduct. It was now very well known that this Williams was not an Irishman, that not only no one circumstance came out to justify that suspicion, but all that did come out proved him not to have been an Irishman. However, the prejudice of the hour would have him an Irishman, and as it was once bruited about, it was generally believed. In the midst of the operation of this prejudice seven unfortunate Irishmen were taken up upon the strong suspicion of foul linen. They were examined, and after having been made to cross themselves, they were confined together in a close room below. The next evening some noise being heard, and perhaps no very moderate one, the magistrates inquired into the cause of this uproar, and they were told, "Oh! it is nothing, but those horrid Irish, who can never be quiet." It turned out, however, that in this instance at least, those Irishmen had no great cause to be contented, for they had been confined in this hole of a room for twenty two hours without a bed to lie upon, or a morsel of bread, or a drop of water to refresh them! And what did the magistrates? They recollected luckily the circumstance, and told their officers, "do for God's sake get those fellows some bread and cheese, and then bring them before us, and we will apologise for the trouble we have given them, and discharge them!" This, he supposed, was what the right hon. Secretary would call vigour.—But, giving them all due credit for such vigour; where was the vigour, the justice, the moral, or the decency, in that abominable spectacle with which they fed the worst appetites of the mob

Digitized by Google

in the unseemly exhibition of the dead body to the multitude! Did they want to teach the people to prey upon carcases? Could it add to the sanctity of justice to make the passions of a mob hurry it to riot upon a senseless carcase? Was there that certainty upon which alone justice ought to act to make such a spectacle fit? Should the people deal out the vengeance of the law by witnessing the formal procession of mangled limbs and putrid carcases? But what other was the true motive of this parade of the carcase, and the maul and the chissel—what but a poor artifice to cover their own scandalous neglect? Why did they suffer that man to be alone? Why did they suffer him to be three days alone, though they knew that there was a bar across the top of his dungeon, and that he wore handkerchiefs and garters? The wonder really was that they did not give general orders to furnish the prisoner with a nightly supply of razors and pistols. But what could be said too extravagantly of their neglect and remissness, when it should be known that this wretch was suffered to possess himself with a sharp piece of iron, which was found in his pocket the morning after he hanged himself. And yet after all this, the right hon. the Chancellor of the Exchequer begged to be distinctly understood when he agreed to the Amendment, that he did not thereby mean to affix the smallest imputation to the conduct of the magistracy. This was the salvo of the right hon. gentleman; no reflection on the magistrates. Some one had said that all the watchmen of Shadwell had been discharged; and why in the name of justice, not discharge all the magistrates too? He was himself pretty conversant with police affairs, and recommended to the perusal of the right hon. the Chancellor of the Exchequer a treatise, written in the year 1750, by Mr. Henry Fielding, a police magistrate, on the late alarming increase of crimes. He should hope, that the right hon. gentleman would not think worse of the author for having been a poet and a dramatic writer.—But to sum up his account of the vigilance of the Shadwell magistracy, he had merely to state, that they never once thought of searching the room of Williams till nearly two months after the murder, where they found the bloody trowsers and the ivory hafted knife. He concluded by stating, that he had formerly thought much upon the subject of the police, and that as the right hon. Secretary had shewn to-night, that he had not as yet thought at all upon the subject, he begged that that right hon. gentleman would begin to think of it with all possible dispatch, at least before he again came down to the House to move with great solemnity for an inquiry into the state and condition of the nightly watch!

Mr. *Stephen*, considering the situation in which the magistrates were placed, thought them entitled to indulgence, and even to compassion. The numerous arrestations for which they were so much blamed, proceeded from those numberless informations created by panic, and to which they owed Williams's apprehension. If, however, the right hon. gent. was right in his statement, if the magistrates had encouraged prejudices, if such prejudices actually existed against a brave and a generous nation, he thought them highly reprehensible. But he must suppose the right hon. gent. to have been misinformed; he could not believe that any man of sense could entertain the idea that the individuals of any of the nations composing the population of these realms, could be more inclined to crime than any others, and he strongly deprecated the idea. He owned that some neglect had attached to the magistrates in not seeing Williams properly watched; but he denied, that in his burial they had gone beyond the law against suicides, or done more than the state of the public mind required. He attributed the late increase of offences more to the negligence of the nightly watch, than to the state of the police, which in many instances could not possibly prevent them. In support of this, he stated that his next-door neighbour, in Great Ormond-street, in the parish of St. Andrew and St. George the Martyr, had his house broke open, and considerable property stolen therefrom. This was done on the part of the thieves with the utmost deliberation, and it was ascertained that no watchman had been seen that night in the street. On enquiry it was found, that by a recent and most whimsical regulation, the watchmen of that parish were allowed two dead nights in the week; that was, they were allowed to absent themselves two nights without fear of being reported, and it so happened that all the watchmen had taken the night of the robbery for one of their dead nights. The hon. and learned gent. believed that many of the crimes which swelled the list produced by his hon. and

Digitized by Google

learned friend (sir S. Romilly), were only larcenies and warehouse robberies, which it was the duty of the nightly watch to prevent. Indeed he was so convinced that the fault laid entirely with them, that he would have voted against the Amendment, had he not been apprehensive of being left alone. He trusted, that no delay would take place in taking the necessary steps to restore security to the metropolis.

Mr. *Mathew Montague* was sorry to detain the House, but could not omit noticing the levity with which a right hon. gent. (Mr. Sheridan) had treated the question, as, indeed, he treated most subjects before the House. He could not conceive his motive for attacking his right hon. friend, the Secretary of State, and for asserting that he never had a conference with a magistrate, although his right hon. friend, in his speech, had positively asserted the contrary. He could not conceive his motives, which, however, he attributed to party-spirit. As to the right hon. gent.'s assertions, he would not say they were not true, because it was unparliamentary, and departing from the solemnity of the debate; but he would beg the right hon. gent.'s pardon, in saying, that he could not possibly believe them.

Mr. *Sheridan* said, that he was sure the hon. gent. had other motives, that restrained him from using such language, than the mere apprehension of seeming too solemn; for his part, he was free to acknowledge, that if the hon. gent. had called his assertions untruths, that instead of looking upon it as a proof of excessive solemnity, he should have rather received it as an instance of absolute vivacity in that hon. gent. For the right hon. Secretary of State he professed the highest respect; and as the hon. gent. was so much at a loss to account for his motives in attacking the right hon. gent. so much so, indeed, that he had repeated it six times, he would tell him, that his only motives were motives of public duty; and if the hon. gent. as a member of parliament, was unacquainted with such motives, he could only say that he was very sorry for it.

The question was then put and carried, and the following members were named to form the Committee; Mr. Secretary Ryder, Sir C. Price, Sir James Shaw, Sir William Curtis, Mr. Alderman Combe, Mr. Byng, Mr. Melliah, Sir F. Burdett, Lord Cochrane, Sir T. Turton, Mr. H. Thornton, Mr. Tierney, Lord Lowther, Mr. Leycester, Mr. Sheridan, Mr. Abercromby, col. Wood, Mr. Sturges Bourne, Mr. Hall, Mr. Robinson, Mr. Frankland.

HOUSE OF LORDS.

Monday, January 20.

Roman Catholics of Ireland.] Lord *Grenville* acquainted the House it was with extreme reluctance he had again to postpone the pending discussion of the important subject of the Catholics of Ireland. With the cause he believed all their lordships were acquainted, namely, the severe domestic affliction [the death of the son of lord G. Cavendish] which recently occurred in a family, with which his noble friend, who was to bring forward the motion, was nearly connected, and in which affliction he deeply participated. It was proposed to defer the discussion for a week, and no longer. His lordship then moved to discharge the order for summoning their lordships for Friday the 24th inst. and to renew the same for Friday the 31st inst. which was ordered accordingly.

HOUSE OF COMMONS.

Monday, January 20.

King's Household Bill.] The Chancellor of the Exchequer presented the Bill for making provision for the better support and arrangement of his Majesty's Household, and for the care of his Majesty's real and personal property, during the continuance of his indisposition. The Bill was then read the first, and on the motion, that it be read a second time,

Mr. *Tierney* observed, that from an examination of the estimate laid before the House, of the annual charge upon the Civil List revenues, framed in 1804, and the accounts of the disbursements for the seven following years, certain productions appeared to him to be necessary, before he could consent to give his vote for the second reading of this bill. It was impossible to understand from the papers which had been already produced, what arrangement it was necessary to make, or whether the sums which they should grant might exceed or fall short of what the occasion demanded. From these papers it appeared that the expenditure of the Civil List exceeded the revenue by upwards of 124,000*l.* annually; so that it was not fair to state the Civil List at

Digitized by Google

979,000*l.* per year, when the real sum expended was greater by 124,000*l.* Whether this additional expence was really necessary, it was impossible to say, without the production of more documents; for all that could be learned from those already produced, was the actual excess, and the particular classes on which that excess had arisen. But this was not enough to enable the House to act in the manner which they were called on to do, because it did not allow them to see whether the excess was justifiable, or could admit of reduction; and he should wish to have a Committee appointed for the purpose of inquiring into the actual state of the Civil List. This was certainly the first time that an addition had been demanded to the Civil List, without the appointment of a Committee to inquire into the subject, and without the production of more papers than had been thought fit to be laid before them on the present occasion; but whether the course he recommended was or was not justified by precedent, he was certain that it was at all events the most rational and convenient. In what he was about to move for, he professed he was actuated by no wish to embarrass or retard ministers in carrying this business through the House; but before the second reading of the bill took place, he could wish that the few papers he intended to move for before sitting down, should be some time before the House, that they might come to the discussion with every requisite information. To satisfy the House that these additional papers were necessary materials for the consideration of the present question, it was only necessary to state to them that an estimate of the charges on the Civil List was drawn up in 1804, that from 1804 downwards, the expenditure of each year greatly exceeded the sum of that estimate; and that it was almost impossible that a more mature arrangement could take place than that of the Civil List in 1804. He should proceed therefore to state to the House the principal articles on which he wished to have information. The first was an account of the bills paid each year in the department of the Lord Steward. In the estimate of 1804, 75,000*l.* annually had been thought sufficient to meet all these bills; and yet in the very next year, 1805, they would find that they amounted to no less a sum than 129,924*l.* He did not say that this sum was too much, but he certainly thought that it required explanation. In another year the expenditure in this department amounted to 107,000*l.* and in the last year it amounted to 115,424*l.* While he did not wish to express any opinion on this subject at present, he thought it was but fair to state that reports had gone abroad of considerable abuses existing in that department, and that these reports had come from a quarter which induced him to view the vast increase that had taken place with great jealousy. He implored the House, therefore, not to proceed farther in this business till they had examined into the particulars of this expenditure. It was certainly singular enough, that the excess took place at the very moment when Mr. Pitt said that 75,000*l.* would be sufficient. He hoped that the right hon. the Chancellor of the Exchequer would not object to the giving this detailed account.

The next account he wished for was, that of the tradesmens' bills in the department of the Lord Chamberlain. The extraordinary way in which affairs had been conducted in that department, would sufficiently appear when the particulars of this department of the Civil List were laid before the House. He would again implore the House to examine into this subject, to look into Mr. Pitt's estimate and the estimates of all preceding administrations. Mr. Pitt conceived that 65,000*l.* would be amply sufficient for the payment of all the tradesmens' bills in this department on the 5th of July 1804, and yet it appeared that the increase here was even greater than in that of the Lord Steward; for on the 5th of July 1805, this estimated sum was more than doubled, the bills at that time being to no less an amount than 133,800*l.* In the next year the expenditure got up to 136,009*l.* in another year it was 124,000*l.* and then it fell to 95,000*l.* On the face of the documents now before the House, there was nothing to satisfy them respecting the cause of this rise and fall. In 1809 it rose to 149,618*l.* and fell in the following to 118,091*l.* and in a subsequent year to 101,669*l.* In all this there was certainly an appearance of great imprudence. He did not conceive that the Lord Chamberlain was a person who had merely the direction of that department, without being obliged to look into its details, and to see that the expence should arise properly from the articles falling

Digitized by Google

under it. He understood that the sums paid out here were principally for bills connected with furniture, a species of expence which might be increased without end. The House were surely bound to satisfy themselves on so important a subject as this, in order, if the expences were unwarrantable, that they might not occur again, and that, in making a permanent arrangement, they might not be considered as likely so to recur. In any motion which it was possible for him to make on this subject, he should find it difficult so to express himself as to be able to fall upon precisely what was wanted for the elucidation of the business, without the assistance of the right hon. gent. who, seeing the intended object, would be much better enabled to judge than he could be supposed to do, what would exactly answer the purpose.

With respect to the department of the Master of the Horse, the management of which he understood was conducted by one of the Equerries, he would say nothing at present, as it appeared to him to be most economically managed, and every thing that it ought to be.—The next article on which he could wish for explanation, was one as to which, he was afraid the right hon. gent. would not be prepared to satisfy him, he meant the Special Service and Royal Bounty. In 1804, the estimate for these expences was 10,000*l.* The next year the expenditure was 14,000*l.*; and the year after it got up to 50,111*l.* Now, what the cause of this could be, he was at a loss to guess; and if the right hon. gent. opposite had no objection, he would move for papers illustrative of this circumstance.

The only other article on which he should wish for information, was that of the Extraordinary Disbursements for Foreign Ambassadors, Presents to them, &c. The whole of the ordinary expence of Foreign Ambassadors in 1804, was 112,330*l.*; but this branch of expenditure had been continually diminishing since that period. In 1808 it amounted to 59,835*l.*; in 1810 to 67,482*l.*; and it now stood at 77,064*l.* and this reduction was occasioned by the diminished number of Ambassadors, arising from the particular situation of the continent for some time past. But what was certainly singular enough, was, that while the number of Ambassadors was so much reduced, the Extraordinary Disbursements, which in 1804 were estimated at 10,000*l.* should have risen to 50,111*l.* afterwards to 83,813*l.* and now actually stood at 58,832*l.* How was this to be accounted for? This sum could not certainly be Secret Service money; for there was a large sum voted by parliament every year for that purpose. The presents to Foreign Ministers, which were also estimated at 10,000*l.* in 1804, amounted now to 33,750*l.* Surely it was necessary this should also be explained.—Again, he would say that all these very extraordinary differences between the estimate and the actual expenditure of the Civil List might be accounted for satisfactorily; but when the statement which he had just made should go out to the world, he was confident that the country would not be satisfied unless every information which it was in the power of the right hon. gentleman to give should accompany it. He should therefore move, "That there be laid before this House, 1. An Account shewing the amount of the charges upon the Civil List Revenues, so far as relates to the Bills of Tradesmen in the department of the Lord Steward, specifying the different heads of expence under which the same have been paid, from the 5th of July 1804 to the 5th of July 1811; distinguishing each year. 2. An Account shewing the amount of charges upon the Civil List Revenues, so far as relates to payments made to Foreign Ministers, under the heads of Extraordinary Disbursements, Presents and Equipage money, from the 5th of July 1804 to the 5th of July 1811; distinguishing each year, and the names of the Foreign Ministers to whom the said payments have been made. 3. An Account shewing the amount of charges upon the Civil List Revenues, so far as relates to the bills of Tradesmen in the Department of the Lord Chamberlain, specifying the different heads of expence under which the same have been paid, and also the particular service to which applicable, where the amount has exceeded 500*l.*; distinguishing each year, from the 5th of July 1804 to the 5th of July 1811."

The *Chancellor of the Exchequer* said, as it was his wish that the Bill should be committed on Friday, it was desirable that the second reading might be as near to the going through a Committee as possible; and for that purpose he moved that the second reading should be on Thursday. He had not the smallest objection to communicate to the House whatever

Digitized by Google

information might be judged requisite; and adverting to the papers specified by the right hon. gentleman, he could see no objection to the production of them; but he hoped that that right hon. gentleman would agree to raise the sums on which he wished much information in the department under the Lord Chamberlain to 500*l.* because he was himself satisfied that the excess had arisen on sums of a much larger description, though if it should be found that this was not sufficient, more detailed information would be afforded. He was not prepared to account for the excess of the subsequent years over the estimate, and particularly of the year immediately succeeding; but he thought that it might partly be accounted for from an impossibility of suddenly reducing, after knowing the determination, a number of expences which had previously exceeded the estimate. This was a sort of justification for the expenditure of the year following the estimate, and accordingly it would be found that year greatly exceeded the subsequent year. The salaries of foreign ministers had been diminished, from the number of missions to which an end had been put; but the extraordinary circumstances attending several of these missions of late years, would sufficiently justify, he trusted, an inquiry into the additional expence on that account.

The papers moved for were ordered, and the second reading of the Bill was fixed for Thursday.

EXPENCES OF THE ASSUMPTION OF ROYAL AUTHORITY BY THE PRINCE REGENT.] The House having resolved itself into a Committee of Supply,

The *Chancellor of the Exchequer* moved, "That a sum not exceeding 100,000*l.* be granted to his Majesty, for making provision for defraying the Expences incurred in consequence of the Assumption of the personal exercise of the Royal Authority, by his royal highness the Prince Regent in the name and on the behalf of his Majesty."

Mr. *Tierney* said, that although he felt it personally unpleasant to make any remark on the present grant, yet the broad duty which he owed to the public was imperious, and he would discharge it. The Prince Regent had now executed the functions of Regent for twelve months, and when all the expences attendant on the assumption of that office had been over, the minister came forward with his outfit for the Regency. Every man must feel that the Prince Regent had been at great expences for the purpose alluded to; and it was, he was confident, in the recollection of every one, that the Prince had, with that delicacy which was one of the characteristics of his mind, and with a proper feeling for the burthened state of the people, refused to accept a sum of money last year. How, therefore, could the minister now ask the House to vote this outfit; particularly when he mentioned no distinct appropriation of it—when he rather stated it as a boon or a grant which had no precedent in our history? No such outfit was ever voted by the parliament of England on the assumption of the monarchy; and although he was most heartily disposed to vote any sum which would be appropriated to the meeting of the expences which the Prince Regent had already been at, yet he was anxious to guard against the recognition of such a principle, as that it was always necessary to vote a certain sum of money for the natural assumption of the royal authority. He hoped, that it was not the right hon. gentleman's intention to consider a king or regent of England in the light of an ambassador, whom it was necessary to equip out in a particular way.

The *Chancellor of the Exchequer* replied, that he had intended the words to apply both retrospectively and prospectively, and had no objection to introduce these expressions into his motion. He certainly meant that the sum should cover the expences both of the temporary regency, which his Royal Highness had passed through, and of the permanent regency into which he was about to enter. No dangerous precedent could possibly be afforded, because in the event of the demise of the crown, the Regent would of necessity succeed to the property of the crown, and no parliamentary grant could then be required.

Mr. *Tierney* apprehended, that at least his Royal Highness should have been advised to send a message to the House on the subject. He did not think parliament justified in asking his Royal Highness to accept of 100,000*l.* unless they officially knew that he required it. He most willingly admitted the delicacy of the Regent's conduct during the early part of his regency, in declining to make any addition to the national burthens by the acceptance of an increased revenue, and

Digitized by Google

he allowed that his Royal Highness's subsequent expences must have been very considerable. Parliament ought to behave towards the Prince Regent with liberality; but it was to the mode in which the measure was proposed that he objected, and he recommended to the right hon. gentleman to withdraw his motion until Wednesday, in order to word it in a manner more satisfactory to the House; for he confessed that he did not like the words "prospectively and retrospectively."

The *Chancellor of the Exchequer* proposed, after the word "expences," to introduce the words, "which have been or may be."

Mr. *Whitbread* could not allow this question to pass without making a few observations. However invidious it was to oppose such a grant for his Royal Highness, under the present circumstances, still, he felt it his duty, as a member of parliament, to oppose the vote until such a Message should be sent down to the House as was usual in such cases. The country had last year given great credit to his Royal Highness for the communication which he had caused to be made to the House, of his intention of not laying any additional burthens on the country, for the expences he might be put to in assuming the Regency. For this communication his Royal Highness had most deservedly obtained great credit; but having so received it, he thought that it appeared somewhat extraordinary, that a sum of 100,000*l.* should be demanded by the minister for the expences which had been already incurred, as well as those that would be necessary now. He wished to know in what manner this sum was to be divided, between expences past and expences to come. He wished to know what were the additional sums which had been expended, or whether there had been any increase of visible splendour about his Royal Highness since he assumed the regency. He did not mean to say, however, that the sum was too much to grant; nor had he any means of knowing whether it was sufficient. He thought, however, that it was necessary that the House should be informed in the regular parliamentary way by a message, and not by the mere assertion of a minister, what sum of money was required, and for what purposes.

Mr. Secretary *Ryder* thought that the hon. gentleman seemed to have forgotten, that the circumstances were very different under which that communication was made. At that time there prevailed a general expectation of his Majesty being likely soon to resume his functions, and, therefore, his Royal Highness did not then think it necessary to call for any additional sum to meet the expences of a regency, which it was hoped would not have lasted more than a few months. For this resolution he was deservedly entitled to all the credit which he had received from the country: but when his Majesty's illness had, contrary to all expectation, continued for nearly a year since the period of that communication, his Royal Highness was necessarily obliged to incur great additional expences. The vote therefore which was now proposed, was founded on a state of things which was totally different from that which existed when the communication was made. As to the manner in which the object was to be effected, he thought that it would be much more delicate for parliament to take up the subject themselves, than to require of his Royal Highness to send down a formal message upon it. He thought that it was sufficient foundation to proceed upon, when the necessity of such a vote was stated to the House by those who were the best acquainted with the facts. It must be obvious to every one, that a considerable additional expence must necessarily have been contracted by his Royal Highness, in consequence of assuming the Regency.

Mr. *Adam* maintained that the Prince Regent might very well last year claim no expence whatever, from the natural expectation that the Regency would soon be at an end; but the House would recollect, that there was a great difference between the situation of his Royal Highness then, and his situation now. Were the situation the same now as it was then, he was confident that his conduct would also be the same; but there were various circumstances which distinguished the one period from the other. It was certainly the most ungracious mode of proceeding possible, to allow his Royal Highness to seek that, which, though he might very naturally expect, he would also as naturally feel a reluctance to ask; and if the practice of parliament did not stand in the way of a contrary proceeding, he should certainly think it by much the most becoming and suitable. But he contended that the practice of parliament

Digitized by Google

required no such thing as a message. His Royal Highness had now discharged the duties of the Regency for nearly a year, and every person must be supposed to know that during that period his expences must have been considerably greater than what they would have been for his own occasions merely. The first grant, therefore, applied to the expences incurred during that long period. With respect to the second grant, any person might know that though the expenditure would be very large, yet it was impossible to frame any particular estimate of it. Sure he was, however, that it was not too large. On that ground he should conceive that the motion as it was worded ought to pass. But there was another ground for voting this sum, and that was, that had his Royal Highness succeeded to the throne as a sovereign succeeded to it on the demise of his predecessor, he would also have succeeded to the revenues and the rights belonging to the crown. He would have had it in his power to bring under consideration what was arranged at the beginning of the present reign. But now the case was very different indeed. He had not succeeded in consequence of a demise, but was called to supply the place of his royal father, in the unfortunate and distressing situation to which he was reduced. Under these circumstances therefore, he thought it the duty of parliament, to his Royal Highness, to the constitution, and to the country, to come forward in the first instance, and, without any communication from his Royal Highness, to accede to the proposition made by the right hon. gentleman.

Mr. *Hurst* expressed himself perfectly satisfied with the Resolution. The assumption of the office of Regent was, *ex necessitate rei*, attended with a very considerable expence: every gentleman in the House, he was sure, must be convinced of that fact: it was not, therefore, a bounty, which they were called on to grant, but only a sum voted to pay a just debt.

Mr. *Whitbread* said, that neither the speech of his hon. and learned friend, nor the remark just made, had in the least degree convinced him that a Message from the sovereign power was not necessary to enable the House to adopt the resolution proposed. At the time of the first constitution of the Regency, when a message was brought down to parliament, stating that the prince of Wales did not wish any expence to be incurred on his account, he had listened to the observations of his hon. and learned friend (Mr. Adam) with much attention, conceiving that they came with a sort of official authority: in the present instance, whatever credit might be due to the statement, he could not consider it in any such light, in as much as his hon. and learned friend was no longer to be deemed the organ of the Prince Regent, since the ministerial servants of his Royal Highness were the proper channel for any official communications to that House. He did not mean to assert that the sum proposed was too much or too little, for no means of judging had been supplied: he should be glad to hear, however, what expences had been gone to, and without proceeding with due regularity, after the assurance of the Regent that no additional charges should be incurred on his account, he conceived that the House would be doing a gross act of injustice to his Royal Highness. His hon. and learned friend had said, that at the time when this assurance was given, it was fully expected that the term would be short during which the Prince would be called upon to fulfil the duties of royalty. It might be so, but he could not discover what difference this fact made in point of principle, and the present vote was prospective as well as retrospective. In his opinion, the remarks that had been made on this subject, to induce the House to swerve from the constitutional one hitherto followed, shewed decisively that a message from the sovereign power was necessary, before the vote now proposed should be adopted.

Mr. *Tierney* observed, that as he had before stated that he should not vote against the Resolution, he would keep his word with the right hon. gentleman; but he lamented that he had so far pledged himself, without due consideration. Not an instance could be found, where the House, without a single document laid before it to shew that any sums had been expended, or a single reason assigned, had come to a determination to grant a hundred pence, much less a hundred thousand pounds. It might be true that the Prince Regent had been put to considerable expences, but it ought to be stated to the House in an official form. When lord Nelson, for his glorious victories, was made a peer of the realm, having no fortune, undoubtedly it was the wish of all, that a sum of money should be granted to

Digitized by Google

him, to support his dignity: but what was done? The crown sent a Message to parliament, requesting the House to enable it to reward the eminent services performed, by settling a pension of 2,000*l.* a year, and the House did accordingly pass a vote for that purpose. One ground stated for making the grant in the present instance was, that it was authorised by an allusion in the Speech of the Lords Commissioners. Where it was to be found he did not know: certainly it was not in that part of it where the Prince Regent desires the House to "bear in mind the indispensible duty of continuing to preserve for his Majesty the facility of resuming the personal exercise of his royal authority." What reason had been assigned why his Royal Highness should not send a Message to the House, desiring that such a sum should be granted? None: nor could he imagine any cause for hesitation, in taking that most necessary step. Having, however, in a manner promised not to vote against the proposition, he would not divide the Committee upon the question.

The *Chancellor of the Exchequer* said he was ready to absolve the right hon. gentleman from any pledge he might suppose himself to have given, however glad he might have been that the vote should have received a support which carried with it so much weight. If the promise had been inadvertently given, and without deliberate consideration, he should not think that he acted with reciprocal liberality, if he rigidly insisted on its performance. In his view of the subject, the Speech delivered at the commencement of the session contained every thing that was necessary to meet the question; and with respect to what had fallen from his hon. and learned friend over the way (Mr. Adam), although it might not be received with the same degree of authority it formerly possessed, surely there could be no reason why his arguments now should not receive that attention which they generally deserved. If there was any thing in what he stated, it was this, that it would be becoming in his Royal Highness to send down a Message to the House for a grant of money, not to be applied to reward the public services of another, but to be disposed of for the private purposes of the Prince Regent. What did the Speech of the Lords Commissioners say upon this subject? His Royal Highness is "satisfied that you will adopt such measures as the present melancholy exigency may appear to require." Was not the assumption of the royal authority one of those measures; and if it was, would not the House enable the Prince to execute the duties of Regent? This general opening of the question, he was confident, would be deemed sufficient, without a specific Message from the throne for a sum to discharge debts, which, from general observation, we must know had been incurred. If, then, the House had it in its power, would it not be anxious to spare the Prince the pain of making such a demand on its generosity? The right hon. gentleman who spoke last, had more than hinted at the propriety of estimates of the expences incurred being laid upon the table; but he was sure that there would be found scarcely a member of the House to second such a proposition. The objections that had been urged, were rather of form than substance, and he trusted that the House would think that it consulted what was due to its own feelings, as well as to the feelings and dignity of the Prince, if the Resolutions were now passed, rather than insist upon the strict form of proceeding which had been recommended.

The question was then put, and the Resolution, as amended by the Chancellor of the Exchequer, was carried without a division.

HOUSE OF COMMONS.

Tuesday, January 21.

ANSWER OF ADMIRAL BERTIE TO THE VOTE OF THANKS.] The Speaker acquainted the House, that he had received from Vice Admiral Albemarle Bertie the following Letter, in return to the Thanks of the House:

Hill, near Southampton,
January 19th, 1812.

"Sir;

"I have the honour to acknowledge the receipt of your letter of the 14th instant, communicating to me, in the name and by the command of the Commons of the united kingdom of Great Britain and Ireland, their unanimous Vote of Thanks for my cordial co-operation with his majesty's land forces in the reduction of the Island of Mauritius: and also the Vote of Thanks to commodore Josias Rowley and the several captains and officers employed in the late operations in the eastern seas, for their skilful, gallant, and meritorious

Digitized by Google

exertions, requesting me to transmit the same to them.—Also transmitting to me the unanimous Resolution of the House, highly approving and acknowledging the services of the seamen and royal marines serving on board his majesty's ships employed in the late operations, and desiring the captains of the several ships to thank them for their gallant behaviour.—I have the honour to request that you will be pleased to signify to the Commons of the united kingdom of Great Britain and Ireland, my grateful estimation of the honour conferred by this high and distinguished mark of their approval of my conduct, as well as that of commodore Josias Rowley, and the several captains and officers, seamen and royal marines employed and serving under my command during the late operations in the eastern seas. I have the honour to be, Sir, &c. ALBEMARLE BERTIE, Vice Admiral."

STATE OF IRELAND.] Mr. *Ponsonby*, in consequence of a domestic calamity (the death of the hon. William Cavendish) postponed the motion, of which, on behalf of a noble friend of his (lord George Cavendish), he had given notice, for Monday next, until Monday fortnight.

PENITENTIARY HOUSES' BILL.] Mr. *Holford* moved, "That the Report which upon the 31st day of May in the last session of Parliament, was made from the Committee* appointed to consider of the expediency of erecting a Penitentiary House or Penitentiary Houses under the acts of the 34th and 19th of his present Majesty; and, in case the adoption of the measure referred to their consideration should appear to them to be for the advantage of the public, to report whether any additional legislative provisions will be wanted for that purpose, and what number of persons such Penitentiary House or Penitentiary Houses should, in their judgment, be calculated to receive, together with any observations which they might deem material upon the subject of their enquiry;—and who were instructed to enquire into the effects which have been produced by the punishment of transportation to New South Wales, and of imprisonment on board the hulks;" might be read; and the same being read, the hon. gentleman again rose, and said, that it was his intention, in conformity with the opinion contained in that Report, to conclude with moving, "That leave be given to bring in a Bill for the erection of a Penitentiary House for the confinement of offenders, male and female, who have received sentence of transportation within the city of London and county of Middlesex." The hon. gentleman said he was happy to find a general disposition throughout the House, to accede to this proposition. The object of the bill which he wished to bring in, was to send back to society at the end of their respective terms of imprisonment, with useful and beneficial habits, those persons who now issued from their prisons merely to prey on the community till the hands of justice again consigned them to confinement. Regulations respecting Penitentiary Houses of a nature similar to those which he had in view, had been sanctioned by legislative authority by the 19th George 3; and a Committee of Supervisors had been appointed, among whom was the great philanthropist, Mr. Howard. Their proceedings were to be referred to the consideration of the lord Chancellor, the Master of the Rolls, the twelve Judges, and the Lord Mayor. The immediate execution of the plan had been prevented, by a difference of opinion among the supervisors, Mr. Howard, Dr. Fothergill, and some others, with respect to the spot of ground which should be fixed on for the erection. In consequence of these dissentions, three new commissioners were appointed, two of whom were the present lord Minto and the late Mr. Burke; and there then appeared some prospect of some fixed plan being adopted; but government at that time began to turn their attention towards Botany Bay, and conceived that this colony would supersede the necessity of the other scheme of punishment, and he believed no steps had been taken in furtherance of the 19th George 3, till the year 1794. In that year a new proposal had been made by an ingenious and learned gentleman, Mr. Jeremy Bentham, in pursuance of which, the 34th of the King had been enacted, which superseded most of the regulations of the former act. An idea prevailed, that both these enactments were still in existence; yet the 19th of George 3 had expired in 1802, for which he was the more sorry, as, among other reasons for

* For the First and Second Reports of the said Committee, see Vol. 20, Appendix, pp. lxxxix, cxxiii.

Digitized by Google

holding the latter statute in less estimation than the former, he thought it impossible to ingraft on a system of contract a provision for apportioning the duration of punishments to the conduct and demeanor of the prisoners. By the first act, 79 acres had been chosen for building; and the 34th, for reasons with which he was unacquainted, changed the site to Tothill-fields, where there was a great difficulty of finding the quantity of ground required. Thus the magnitude of the scale had been a great obstacle to the completion of the scheme. The hon. gentleman then stated, that for the last twenty years Penitentiary Houses had been erected and governed in conformity to the rules expressed in the first statute, that he had the authority of sir George Paul, a wise and active magistrate, with respect to the utility of such an establishment in Gloucester; and he was informed, that in Southwell the usefulness of the institution had been such, that several persons who had been confined there were now living in credit, and atoning to society for their former crimes. A Committee of last session had properly rejected the idea of a national Penitentiary, which would bring into one focus so vast a number of offenders. The object, therefore, of the present Bill, was merely a Penitentiary House for the offenders in London and Middlesex. It would not entirely abandon the plan of Mr. Bentham, to which gentleman a liberal compensation should be made for his expenses in this meritorious service; nor would it raise any question with respect to the propriety of the punishment on board the hulks, or transportation. The scale which he should propose would be a substantial building to contain 200 male, and 200 female convicts, with capacity for 100 additional of each. He then adverted to the state of Newgate, the evils of which prison were not imputable to Mr. Newman the keeper, who was an useful and upright officer, but to the system adopted. The present plan would remove from that prison a large portion of the transportable convicts, who ought to be supported by the public and not by the city, and then the city would be able to adopt such measures in their prison as would prevent the present corrupting effects of entering its walls. He highly reprobated the present distribution of offenders, by which persons who were taken up, on suspicion only of felony, were made to associate and mingle in one common mass with the most abandoned convicts. He supposed the case of a poor servant girl out of place, whom necessity might have induced to commit a small theft; she associated with felons of her own sex, transportable felons of the most depraved description, who despised and made a mockery of all the decencies and moralities of life; with what feelings, with what manners, he asked, would such a person return back to society? The present plan would prevent such pernicious consequences, by removing the possibility of such contaminating associations. Under all the circumstances, he trusted the motion would meet with a general concurrence.

Sir *W. Curtis* rose to second the motion, of which he cordially approved.

Mr. Alderman *Combe* stated that the corporation of London had it in contemplation to build a Penitentiary House in the city.

Sir *Samuel Romilly* rose, not to throw any impediment in the way of a subject which had been already too much delayed, but to call the attention of the House to the Report of its Committee in the year 1798. The subject, indeed, had not engrossed an attention proportionable to its importance; but by reference to that Report, it would be seen, that after mentioning the great number of persons on board the hulks, together with their different periods of imprisonment, they strongly recommended to the legislature the adoption of the excellent plan proposed by Mr. Bentham. Two sessions ago the subject had been resumed, and was referred to the subsequent session: yet two years had elapsed, and government still persisted in their system. The House would do great injustice to Mr. Bentham's plan, unless they read the printed Report of 1798; and he could not but express his surprise that the present Committee should object to what was so strongly recommended by a former Committee, which had mentioned in terms of high praise the great advantages of the employments and industrious habits which formed the peculiar character of Mr. Bentham's plan. This advantage, and another equally great,—he meant the economy of that project,—had been strangely disregarded by the subsequent Committee. The small expence of Mr. Bentham's scheme had, indeed, been accounted for from the circumstance of his allowing only one room for the convicts to sleep in; this, he was

Digitized by Google

aware had been strongly objected to by sir George Paul—an authority, he allowed, of the greatest weight,—who conceived that it would be of pernicious consequence, that all the convicts should sleep together. Still, notwithstanding these objections, he hoped, that the House would look attentively into the reports of the Committee of 1798, and consider the extraordinary utility of Mr. Bentham's plan, that if they rejected it, they might substitute something as beneficial in its place. He then expressed his regret that the scale recommended by the hon. member was so small, as if it was intended only as a plan of experiment. The right right hon. Secretary of Ireland, to whom the merit of adopting such an institution in that country was solely due, had borne testimony to its utility, and indeed in no one single instance had it ever failed; the plan, therefore, should have been much more extensive. He concluded by hoping that inquiries would be instituted into the comparative effects produced by the system adopted in Penitentiary Houses, and the effects produced by imprisonment on board the hulks.

Mr. *Abercromby* paid a high compliment to the talents and benevolence of Mr. Bentham, and to the excellence of his plan, and cautioned the House against forming an opinion of it solely from the terms of the proposed contract, since such was the confidence reposed in the proposer, that many necessary points left at his discretion were there omitted. As one of the Committee appointed two years ago, he had visited Newgate, and found that none of the defects of that prison were owing to the conduct of the keeper, but entirely to the insufficiency of its accommodations.

Leave was then given to bring in the Bill.

List of Police Magistrates.] Sir *F. Burdett*, in pursuance of the notice which he gave on a former evening (see p. 213) moved, "That there be laid before this House forthwith, a List of the names of the persons who have been appointed to be Police Magistrates under the act 32 Geo. 3, c. 53, or under any subsequent act of parliament, specifying the counties in which they were at the time of their appointment, and now are acting justices, stating where their qualifications are, and what they are, and whether they hold any other office under government, or have any pension for themselves or their wives from government."—Ordered.

Return of the Number of Criminals.] Mr. Secretary *Ryder* said, that his hon. and learned friend (sir S. Romilly) on a former evening (see p. 199) in stating the comparative increase of crimes in the metropolis, had inadvertently fallen into an error. His hon. and learned friend had said, that the increase from 1805 to 1810, amounted to 525 criminal cases. Now in the statement of the numnumber of commitments in the year 1809, his hon. and learned friend had unintentionally, made it 1,342 instead of 1,242; and in the number committed in 1810, he had included those sent for trial to the sessions of the peace for the county of Middlesex, as well as to the Old Bailey. He allowed that an increase of 208 committals had taken place—not 525 as advanced by his hon. and learned friend. To place the fact in its true point of view, he should move, "That there be laid before this House, a Return of the number of persons charged with criminal offences committed to the different gaols in the cities of London and Westminster, and county of Middlesex, for trial at the several Sessions held at the Old Bailey, in the years 1806, 1807, 1808, 1809, and 1810.

Sir *S. Romilly* begged to assure the right hon. Secretary, that the mistake was not made on his part, but must lie with the right hon. Secretary himself. The numbers he had stated were taken from the returns on the table of the House; and he could certainly pledge himself to the accuracy of his statement. Although he had not those returns now before him, yet his memory was very tenacious on that point, and he would even from recollection state them to him again. In 1806 the number was 899; in 1807, 1,017; in 1808, 1,110; in 1809, 1,242; and in 1810, 1,424. It was true, that in some of the newspapers the right hon. gentleman might have found his statement misrepresented, but if he had been attended to himself, there would have been no cause for the present complaint of inaccuracy.

Mr. Secretary *Ryder* persisted in his former assertion, and explained particularly that his hon. and learned friend had stated the increase on the whole of the years to be 525, when it was actually 208.

Lord *Ossulston* vouched for the accuracy of his hon. and learned friend's statement.

Digitized by Google

The Return moved for was ordered to be produced, and is as follows:

A RETURN OF THE NUMBER OF PERSONS CHARGED WITH CRIMINAL OFFENCES, committed to the different gaols in the cities of London and Westminster, and county of Middlesex, for trial, at the several Sessions held at the Old Bailey, in the years 1806, 1807, 1808, 1809, and 1810.

In the year 1806	899
1807	1017
1808	1110
1809	1242
1810	1207

Whitehall, 22 January 1812.

J. BECKETT.

DROITS OF ADMIRALTY.] Mr. *Brougham*, in pursuance of the notice he had given, rose to call the attention of the House to a question, which was simply this, Whether the crown had the power to use certain funds, certain enormous sums of money, without any grant from parliament, or even without its privity? This was a subject of the gravest importance, inasmuch as it involved the consideration of the best privilege of the House of Commons; of that privilege,—the power of granting or refusing the supplies,—which was the great and the only security that the people had in their representatives against the influence and encroachments of the crown. He need only state thus briefly the general nature of the subject, for the House at once to perceive the necessity of being alive to its importance; but he would humbly suggest, that it was now, more than at any other time, the imperious duty of the House to look to the assertion of their privileges: now, that an arrangement was on foot, which ought not to be finally settled before some decision was adopted as to these alleged rights of the crown. Without any affectation, he could say, most sincerely, that it was to him a cause of great regret, that this most important subject had not fallen into abler hands; conscious as he was, of the unequal powers with which he advanced to its consideration; but comparatively unequal as he was to the task; however unable he might be to do it a full measure of justice; yet as it had devolved on him, he would not shrink from it. The subject matter had often come incidentally before the House; it had frequently been the topic of passing debate, but it had never been brought forward on its own single merits; it had never been made regularly the subject of parliamentary enquiry. It was now, therefore, full time that it should undergo a solemn investigation; it was now time that the House should declare, and that the country should know, whether funds of such an enormous magnitude as were the Droits of Admiralty, were by the law and constitution of this realm, vested in the crown for its separate use, and as a private patrimony. It was now, once for all, necessary to have it proclaimed, whether the crown could, without any parliamentary grant, or without even the knowledge of parliament, appropriate these immense sums of money. If it should prove true, that the crown had such an extraordinary power, then it was high time for the world to be apprised of the nature of those limitations by which it was the boast of Englishmen to have their monarchy restricted; it was high time to tell mankind how much the boasted constitution of England had been misunderstood, and to lay aside for ever those gaudy descriptions in which the folly of our pride had arrayed it.

Without any further preliminary observations, he should lead the House to the subject matter of his notice; connected with which, however, was the subject of the annual revenue of the crown, arising from the duchies of Cornwall and Lancaster, the four and a half per cent. duties raised in Barbadoes and the Leeward Islands, and the surplus of the Scotch revenue. By the statute of Edward the third, when there was a duke of Cornwall of a proper age to receive the revenues flowing from that source, they were estranged from the crown; but when that was not the case, they were claimed by the monarch. Upon the most moderate calculation he could not estimate that revenue at less than 13,000*l.* a year. During the minority of his royal highness the Prince of Wales, this annual sum, besides a yearly revenue arising from a variety of fines, not included in the annual account, were vested in the crown. The amount of those fines, during the Prince's minority, was, he believed, not less than 130,000*l.*; so that while the Prince continued an infant, the crown had received nearly half a million of money from the revenues of the duchy of Cornwall.—With respect to the revenue of the duchy of Lancaster,

Digitized by Google

the exact funds had not been so clearly ascertained; he would therefore pass on, taking the admission of the right hon. the Chancellor of the Exchequer, that they were considerable.—He next adverted to the 4½ per cent. duties raised in Barbadoes and the Leeward Islands. For the five years ending in 1808, the average was 35,000*l.* per annum. He knew not how those duties had fallen off; but it appeared, that in the first of those five years, they had amounted to 61,000*l.* He did not wish to trace this revenue to its origin, because he had only to speak to its application; but he could not suffer the present opportunity to go by without declaring, that the tax by which this revenue was raised was almost an intolerable grievance to the unfortunate inhabitants of those islands who were obliged to pay it. It was besides a grievance the more severe, seeing that the other islands were exempted from the payment thereof; and it unquestionably had the worst influence on the prosperity and happiness of those islands. On this part of the subject he would not now speak at large, as an hon. friend of his, the member for Thetford (Mr. Creevey) had given notice of a motion relative thereto.—Nor should he go at length into the nature of the fund formed by the surplus of the Scotch revenue, seeing that another hon friend of his had notified his intention of bringing it specifically before parliament. In the third Report of the Finance Committee,* this surplus was stated to be on an average, 86,000*l.* per annum. These united funds, which, in their nature, were annuities, amounting in the whole to not less than 180,000*l.* were, or were alleged to be, the sole and exclusive property of the crown.—The last great capital attached to the king, and which was the peculiar object of the present motion, was that which was under the name of the Droits of the Crown, and Droits of the King, as lord high admiral of England. The fund arising from those alleged droits was vested in the crown, because for the last century the station of lord high admiral was not conferred away from it. All sums arising from wreck and goods of pirates helped to swell this fund; but the great bulk of it arose from prizes. All ships detained previously to a declaration of war; all coming into port from ignorance of hostilities between this and other countries; all taken before the issuing of proclamation, and those taken by non-commissioned captors, were sold; and the profits arising from their sequestration composed what was vulgarly called the Droits of Admiralty. It appeared by the last returns laid before the House on the 30th of May 1810, that no less a sum than 7,344,677*l.* had been paid in to the Registrar of the high court of Admiralty since the year 1793. Subsequent to the 30th of May 1810, there was every reason to believe that a considerable increase must have taken place, and he was confident he should not exceed the actual net proceed of the fund, if he stated it in round numbers at eight million sterling. Thus, then it appeared that the crown was receiving an annual revenue of more than 180,000*l.* and a capital said to be vested in the crown, ascending to the enormous sum of eight millions. The questions, therefore, for the House to decide were these: Whether by law, the crown was separately possessed of these funds? And supposing that by law the crown was so separately possessed of them, whether it was safe for the constitution that such a law should remain in force any longer?

The hon. and learned gentleman next observed, that those who maintained the affirmative of the first proposition, would have a task of no ordinary difficulty to perform. It was a thing highly dangerous, and he would say highly unconstitutional, that funds of such enormous amount, as those to which he had alluded, should be at the disposal of the crown, without any act of parliament, authorising such disposal. They were funds wholly appropriated to the crown; the crown possessed them, and no one was accountable for their application. No limit whatever was imposed upon the uses to which those funds might be applied: they might be lavished upon a mistress; they might be wasted upon a favourite minion; they might be employed in the furtherance of undue elections, and undue influence in that House; they might be squandered away in caprice, and in any manner, without any responsibility attaching to any person or persons concerned in them. This was what might be done, and what those gentlemen who believed the possession of such funds by the crown to be legal, had to defend. But what was the obvious tendency of

* For the Report, see vol. 11, Appendix, p. cxxxiv.

Digitized by Google

such a doctrine? It put an end at once to the great use of parliaments; to the salutary check exercised by them in refusing to grant supplies when any grievance existed the redress of which was denied; and it transformed into a mere mockery, the asking of supplies by the crown from that House, while much greater supplies might be raised and exercised without controul by the servants of the crown. If this doctrine was maintained, all that we had heard of the privileges of parliament were but mere words; in real fact, the crown needed not come to parliament for its supplies, for it had means of obtaining them—means that were quite independent of any legislative provisions. He was unwilling to think, however, that such a doctrine could be maintained as a constitutional one, and he would briefly state to the House the grounds upon which he founded his doubts.

In adverting to the various sources of royal revenue in the early periods of our history, he did not mean to dispute the general maxim that "all prize "vested in the crown;" and a great law officer had, on a very recent occasion, declared that prize was the very creature of the crown. Yet, in the statute of Edward 2, which related to the regalia, no mention was made of prize as a peculiar property of the crown, though various other droits were, in that statute, distinctly declared and enumerated; and in the statute of the 2nd of Richard 3, all prize taken at sea was expressly given to the captors. These were legal facts, not indeed to be found in ordinary statute books, but they might be seen in lord chief justice Hale. Leaving the general question, however, he would ask in what shape were these droits vested in the crown? They were so vested (and all the great law authorities proved the fact), for the attainment of certain specific purposes; and the specific purpose in this case was the guarding and maintaining the rights and privileges of the seas. In the 4th Institute of my lord Coke, it was laid down, that tonnage and poundage were specifically granted to the crown for safeguard of the seas, and that it pertained to the lord high admiral to see this droit administered; and, quoting from the archives of the Tower, he had further observed, that the guard of the sea belonged to the high admiral, and to private adventurers also, who fitted out vessels for the purpose. In the 7th and 9th Henry 4, the right of private merchants was also recognised. But there were other instances where the appropriation of those different funds, which went under the general name of Droits of Admiralty, were mentioned; and it would be found, that wreck at sea became one of the sources; and in the 2nd Institute, the reason of wreck being given to the crown, was stated to be, because the crown had to keep the narrow seas free from cruizers, the expence of which was to be defrayed by that fund.—The next instance which he should adduce of the fact of these Droits of the King being applied to the safeguard of the sea, was the manner in which the great case of Ship-Money was argued in the reign of Charles 1: and he adduced this the more willingly, when he considered the temper of the crown at that period, and the warning which the results of that period gave to posterity. Even in that reign of prerogative it was held, that all the natural profits arising from captures at sea, and the profits of letters of marque, ought to be applicable to the guarding and protecting our interests at sea. This was laid down by baron Weston, who said, that he would not hear of any such profits being a right by prerogative; but that he considered them as regalia of the crown, dedicated to particular purposes. Justices Crawley and Jones considered ship-money and tonnage and poundage, in the same light; but when sir Edward Crawley said that he thought the droits of the king scarcely worth mentioning on account of their being too small to serve any great purpose of expence, he never imagined that they would one day rise to such a thing as 186,000*l.* a year, and eight millions capital. Justice Croke expressly declared, "That the statutes of tonnage and "poundage, as appears by all the statutes "made in Richard 2, and continued till "Henry 4, 5, 6, 7, and so downwards to "king James's time, are to the end the "king might have money in his coffers "for the defence of the realm, and for the "safe-guard of the sea, that he might "not, upon a sudden occasion, be unpro-"vided."* It was evident, therefore, that even in the worst of times, not only par-

* See a report of the Proceedings in the great case of Ship Money, in the Third Volume of the New Edition (edited by Mr. Howell) of the State Trials, p. 825; in which Report are included full accounts of the Opinions which were

Digitized by Google

liamentary grants, but royal impositions, were considered as destined to the service of the country; and that as to their use, the judges of Charles the First's time made no distinction between droits of the king, as vested solely in himself, and parliamentary grants for the public service. He recollected also, that the right hon. gentleman at the head of the court of Admiralty (sir W. Scott), and than whom no one could preside there with more ability or learning, when he had spoke the sentence which he had before quoted, had also used the dictum, "capta bello cedunt reipublicæ;" and what was to be concluded from that dictum, but that prize must belong to the country and not to the crown.

The hon. and learned gentleman next adverted to the proportion which it was always well known existed between the parliamentary grants and the revenue of the crown, previously to the Revolution of 1688. Before that period, the expences of war were not regularly supplied by parliament, but generally by the crown, and from those very funds which it was now contented were the private property of the king. A material change, however, had since been taking place, and was now nearly completed. The country bore all the expences of war. There was no longer any drain on the revenue of the crown, or on any of the branches of the prerogative: and if the country now supplied the means of war instead of the king, was it not right that it should stand in all respects in the place of the king; and that it should receive instead of the king the profits of the war, or in other words, the very droits in question? That this was the opinion of that great authority, lord Mansfield, was evident from the case of Macbeath *v.* Haldimand, 1 Term Rep. 172; but he would go still higher, and would appeal to the authority of Magna Charta itself. Though that act vested the funds for the whole civil administration in the crown, yet it specified their application to public purposes. During the times of the Plantagenets, about 40,000*l.* was the amount of the regalia of the crown; and that sum, with the feudal services and accidental supplies, generally bore all the yearly expences of the state: but now, when instead of 40,000*l.* there were millions upon millions alleged to be vested in the crown: and when instead, of feudal services or acidental supplies, the country voted annually the money for defraying the public expence, was the House to be told that these millions were not to be considered applicable to the general purposes of the state?

The next argument used by the hon. and learned gentleman, was drawn from the fact of parliament having, at various times in our history, interfered with the prerogative of the crown, when that prerogative turned into abuse; and he particularly mentioned the taking away of the temporalities of bishops from the crown, after the crown had made shameful and lavish uses of them. In the 9th of Henry 3, chap. 5, and in the Statute of Westminster the First in the reign of Edward 1 laws were passed to restrain the prodigal grants of those temporalities,—temporalities which were then as much vested in the crown as the Droits of the Admiralty were now. In the time of William and Mary, a similar encroachment was made on the prerogative of mines; and in the reign of queen Anne, when that illustrious princess, greatly to her honour, thought of granting away the Tenths and First-Fruits from the crown, she recognised the right of parliament to interfere with the alienation of that property. In the 12th year of the reign of Charles 2 also, when it was thought inconsistent with the liberties of the people, that the oppressive right of purveyance should continue as a right of the crown, that purveyance was abolished. But there was nothing more material than what occurred, in the preamble of the 6th of queen Anne, ch. 25, which after enumerating the evils resulting from the repeated alienation of the crown lands, went on to enact, that no alienation should be made for more than three lives, or thirty-one years, for the purpose of relieving the people from all burthens in carrying on war. Did not that shew that those lands were vested in the crown, for the benefit of the people. And here he would ask, too, of his honourable friends, whether there appeared any grounds for an opinion they seemed to entertain a few evenings since of an understanding or bargain between the Prince Regent and the parliament, relative to certain claims? (see p. 168.) If any of the crown lands were considered the sole

---

delivered upon the case by the Judges. In volume 6, p. 906 of the same work, is related a very curious anecdote respecting the Opinion of sir George Croke.

Digitized by Google

and separate estate of the crown, this act would have failed in the outset; it would have been reprobated as an invasion of the royal prerogative. At different times subsequent to this period, parliament had interfered with different branches of the revenue of the crown; but he would only advert to the 35th of his present Majesty, which directed the commissioners of Dutch prizes to pay the prize-droits into the bank of England, and not to the crown. Why did it not occur that this was an infringement of the royal prerogative? But, on the contrary, it established the right of interference vested in parliament, and corroborated the argument on which he rested. Having said thus much on the origin and nature of those funds, the hon. and learned gentleman proceeded to remark on the mode in which they were issued and applied. It appeared they were partly received by the registrar of the high court of Admiralty, and that they were partly in the hands of the receiver general of droits, the commissioners of prizes, and the bank of England. One thing was certain, that from whomsoever, or to whomsoever they came, they never went into the exchequer,—that they did not afterwards issue from thence, but were taken out of the bank of England, on the authority, not of the privy seal, but of a warrant under the sign-manual only. There was no responsibility whatever incurred either by the person who received them, or he who issued them; and he believed, too, that there was not, even at the treasury, any account of the receipts or outgoings of this fund. That this manner of issue was unconstitutional, he conceived there was very little difficulty to prove; and that on the authority of persons who would by no means be suspected of leaning to the popular side of the question. The first of these authorities was lord Coke, who, in his second Institute, held, that all warrants for the disposal of the public treasure by sign-manual, were illegal and of no effect, and that the king had no right to issue by his sign manual, except from funds arising out of his own chattels. In the celebrated case, commonly called the Devonshire Case, and also on the trial of sir Walter Raleigh, it was laid down as clear law, that no public treasure, which sir E. Coke (11 Rep. p. 916) says, is "the ligament "of peace, the sinews of war, and the "preserver of the honour and safety of "the realm," amongst which was reckoned treasure trove, and all the other revenues of the crown, could be issued under the authority of the sign-manual alone. Lord Somers was another great authority; but the last of those authorities, lord Clarendon, was one which he thought would be universally acknowledged, as most above the suspicion of being influenced by a thirst for novelty, or a desire of acquiring popular opinion. In condemning, therefore, the practice which had now obtained, of so vast a revenue being in the possession of the crown, unchecked by any controul of parliament, or of any other authority, he was not advancing any new doctrine, or expressing sentiments peculiar to himself. Charles 2 had appointed a separate receiver, by commission, as treasurer of prize-money; and he would take the liberty of reading to the House an account of the transaction, in the words of the eminent historian he had last mentioned. "He" (lord Clarendon) "was required to affix his seal to a bill, making and constituting the lord Ashley, treasurer of all the money that should be raised upon the sale of all prizes which were or should be taken in the war then carrying on against the Dutch, with power to make all such offices as should be necessary for the service; and that he should account for all monies so received to the king himself, and to no other person whatsoever, and pay and issue out all those monies which he should receive, in such manner as his Majesty should appoint by warrant under his sign manual, and by no other warrant: and that he should be free and exempt from accounting into the Exchequer. To this request the Chancellor replied, 'that he would speak with the king before he would seal that grant, and that he desired much to speak with himself.'—The next morning," continues lord Clarendon, "he waited upon the King and informed him of the bill that was brought to him, and doubted that he had been surprised: That it was not only such an original as was without any precedent, but in itself in many particulars, destructive to his service, and to the right of other men. That all receivers of any part of his revenue were accountable in the exchequer, and could receive their discharge in no other place; and that if so great a receipt as this was already" (here the hon. and learned gentleman observed, that the receipt was certainly great; but it was not eight millions—it was only 100,000*l.*) "and as it evidently would be, should pass

Digitized by Google

without the most formal account, his Majesty might be abominably cozened, nor could it in any other way be prevented. He therefore besought his Majesty that he would reconsider the thing itself, and hear it debated, at least that the treasurer might be first heard, without which it could not be done in justice;" and in a conversation with lord Ashley himself, he observed, "that the exemption from making any account but to the king himself would deceive him; and as it was an unusual and unnatural privilege, so it would never be allowed in any court of justice, which would exact both the account and the payment or lawful discharge of what money he should receive, and if he depended upon the exemption he would live to repent it."

These constitutional views, continued the hon. and learned gentleman, were not much relished by Charles 2; but as there was some force in the arguments, he consented to delay the matter till he had further considered it. The delay, however, was not very long, for he shortly afterwards made the chancellor affix his seal to the grant. It appeared at length that the king sent a positive order to the chancellor to seal the commission, which he could no longer refuse, which the noble historian says, "he did with the more trouble, because he very well knew that few men knew the lord Ashley better than the king himself did, or had a worse opinion of his integrity." "Nor was it difficult," lord Clarendon afterwards went on to state, "to persuade the king, (who thought himself more rich in having one thousand pounds in his closet that nobody knew of, than in fifty thousand pounds in his exchequer) how many conveniencies he would find in having so much money at his own immediate disposal, without the formality of privy seals and other men's warrants, and the indecency and mischief which would attend a formal account of all his generous donatives and expence, which should be known only to himself." Such, then, were the views, such the principles of the great lord Clarendon, an officer of the crown and a kinsman of the reigning sovereign. What could serve to shew more forcibly that all grants of this description were dangerous to the constitution, alien to its spirit, and repugnant to its fundamental character. He hoped, for the sake of that object which they all had or ought to have in common, the object of maintaining the practice and principles of parliament, as established and recognized at the Revolution, he should not be thought to ask too much when he asked of the ministers of the present day, who were the constitutional servants of a constitutional prince, to accede to doctrines which had the peculiar merit of having been the doctrines not only of an eminent statesman, but of a statesman related by domestic ties to one of the most arbitrary monarchs that ever sat on the English throne.

Feeling it unnecessary for his purpose to detain the House further in support of the positions he had laid down, he now begged leave to call their attention to those practical observations arising out of the abuses of which the fund alluded to had furnished the means and the occasion. All that he had yet said on the subject of parliamentary inquiry, and the necessity of its rigid exercise at every period, on all that was connected with the expenditure of the crown, applied equally to all branches of the regalia. But the fund now particularly under consideration had altogether a separate character and distinct origin. That character and origin were such, that it would not be an easy task to name, or to imagine an institution that should at the same time be so detrimental to the interests, the well understood interests of the crown, and the most important interests of the country. It gave, in the first place, to the crown an interest in going to war. It gave an interest not merely in the commencing hostilities, but it gave an interest in commencing them in a way the least honourable to the national character, the least consistent with that good faith, candour, and magnanimity, which, until the present times, formed such proud and honourable features in the character of the English people.—(A cry of hear, hear!) He knew to what his hon. friends behind him alluded by that cry, and was aware that the practice which he now reprobated as the degrading distinction of our recent history, was not quite new, or quite unprecedented. He perfectly recollected, for it was an event that happened at no great distance of time from the period to which he had before directed the attention of the House, the event of the Dutch war. This was indeed an event, which, had he all the eloquence of all his honourable friends who surrounded him, he should yet want lan-

Digitized by Google

guage and terms of abhorrence adequate to the expression of his feelings respecting it. It was a war entered upon for the sole purpose of intercepting the Smyrna fleet, a war of all others the most undisguisedly infamous and degrading; a war of crime and plunder, of larceny and pillage; a war exceeding in baseness and atrocity even the late attacks on the Spanish and Danish ships. Such was the memorable war of Charles the second, such the motives in which it originated, and although he might not anticipate the calamity of ever seeing such a king, or one the least resembling him, again wield the sceptre of these realms, it was no less their duty, as the representatives of the people and the guardians of their rights and interests, to appoint a sufficient guard against the possible recurrence in subsequent times of similar abuses; for even in our own time transactions had taken place, arising probably from less disgraceful and pernicious causes, which nevertheless were certainly subject to the imputation of having borne some reference to the fund of Admiralty Droits. He would not dwell upon the Copenhagen expedition, because he did not believe that, however it might have mingled, it formed the chief or the only motive of that (as he deemed it) unprincipled and ill-fated enterprise. But he would mention an event, as to the true origin of which no trace of doubt existed in his mind, namely, the capture of the Spanish frigates.—He would recall to the recollection of the House, the precise time when that affair took place: he would remind them that it was at a period when the Spanish envoy in London and the British ambassador at Madrid were employed in carrying on a negociation, and then ask them if they could hesitate to believe that a licence issuing under these circumstances, to make war on unoffending merchantmen, to destroy and burn them before any declaration of hostilities, and to bring the hulks and cargoes of the vessels into British ports, could have possibly sprung from any other cause, or have been directed to any other object? (hear, hear!)—But admitting, what in fact he never would admit, that the design was as pure as the right hon. gentleman opposite might assert it to be, was it not enough to induce them to condemn that institution as bad and unfit to exist, which served at least to communicate suspicion, and to justify foreigners, as well as the subjects of this government, in believing that a sordid principle had led to the pillage of foreign vessels, and the massacre of their crews, and had at once been the cause of staining the national character, and plunging the country into all the evils attendant on a state of war? What more likely than suspicions of this kind to sow dissention at home, to embitter animosities abroad, and alienate every country from our interest? It was wars of this nature which had disgraced the reign of Henry VIIth, perhaps the meanest and most rapacious of the race of English kings. These wars had been likened by lord Bacon "to a mixed metal, a treasure made up of a strange ore, in which iron appeared on the surface, but gold and silver were at the bottom."

If then, he had been correct in estimating the ordinary revenues of the crown at the sum of 180,000*l.* per annum, and if he had been right in looking, not indeed at the person who wore the crown, because that was unconstitutional doctrine, but at ministers, and if not ministers at favourites, as men liable to err, it was unnecessary to press his argument further. Parliament, it was well known, was never reluctant to grant whatever justice and liberality might require. No proposition that would bear investigation, nothing that had solid merit to support it, ever came before that House in vain. Some might think that parliament was too apt to vote without inquiry, but when there was something to be done that shunned the eye of inquiry, when some vile job was to be accomplished, or some minion odious to the people, whose demerits stood catalogued before their sight, was to be supported; then it was, that instead of quartering him on the Consolidated Fund, or of ranking him on the Pension List among the Nelsons, the St. Vincents, and the Wellingtons, recourse was had unknown to parliament and the country, to the Droits of Admiralty, or to the four and half per cent. fund—a fund that might fairly be called the general jobbing fund, consisting of annuities and an immense capital to remunerate those vile minions, whose claims to reward the minister would not have the hardihood to bring under the cognizance of parliament. This fund, then, stood exposed in all its native contamination, neither more nor less than a fund unworthy of the royal character to possess; unworthy of the character of parliament to suffer to exist. If it was

Digitized by Google

thus liable to be made subservient to the worst purposes, it was not incumbent on him to prove that the actual application of it had been abused.—(Hear, hear!)—It was enough if he had established a necessary tendency to corruption; but as the right hon. the Chancellor of the Exchequer seemed to challenge him for facts, he was by no means unwilling to produce them. By the papers on the table, it appeared, that since the first establishment of the Civil List during the present reign, it had been first raised by the sum of 100,000*l.*; at a subsequent period by 80,000*l.* that by the abstraction of certain charges to which it had been before subject, it was afterwards virtually raised 135,000*l.*; thus making a real annual increase to the original 800,000*l.* of the sum of 505,000*l.* A sum of 100,000*l.* had been also voted to his Majesty for defraying the expences of new palaces and buildings. There had been, in addition to all these sums, an accumulation of half a million during the minority of the Prince of Wales. The revenues arising from the Duchy of Lancaster, and the Scotch fund, were also to be taken into the account, and notwithstanding the immense increase thus made to the income of the crown, it would appear that the increase of the debt was still more rapid and of still greater amount. Parliament had already several times discharged the arrears of the Civil List debt, and in the year 1802 voted the enormous sum of 900,000*l.* for that purpose. The whole of the sums voted at different periods amounted to between three and four millions. Since the year 1804 the debt had gone on accumulating at the rate of 123,000*l.* per annum. This the Chancellor of the Exchequer had lately stated; and had informed the House that this excess of expenditure had been paid off—in other words, that an actual deficit of an enormous amount, incurred, notwithstanding the unexhausted liberality of parliament, had been supplied without the aid of parliament, in a manner unknown to parliament. Thus to the amazement of the country—(hear, hear)—he would say to its well founded amazement, a sum of 700,000*l.* taken from a fund over which parliament had no controul, had been set aside for the simple payment of tradesmens' bills. It was not his wish to utter any thing disrespectful or invidious; but when he considered that the Civil List had been always thus encumbered, he recollected too that in the year 1799 his Majesty had made large purchases of lands, and an act had been passed, reciting in the preamble that these purchases had been made with the savings out of the privy purse and other funds, and professing to be for the purpose of removing certain doubts as to the legality of these purchases. The object of the bill really was to alter the law, which in the reign of queen Anne had been deemed necessary by the legislature, which took from the crown the power of alienating lands for any period beyond 31 years. The new act went evidently to favour and protect the accumulation of private property in the crown. The Attorney-General knew, as well as himself, that by the ancient laws of the country, all lands whatever were held by the reigning king solely *jure coronæ*, and he felt himself warranted in assuming, that when parliament first enacted the provision for his present Majesty, it was not their intention that that law should be altered or perverted from its original objects.

The next item that appeared of grants from the Admiralty Droits, was a sum of 140,000*l.* and a subsequent one of 26,000*l.* paid to the princes. But did he know so little as to be ignorant that the crown of England was under no necessity of resorting to means like these for its support? No! he spoke as the advocate of the crown, as one who wished to see it possessed of a revenue worthy of a British prince to receive, and of the British people to bestow; a revenue as useful and advantageous to the subject as to the crown. He wished to see the dignity of the sovereign upheld by a fixed and certain and ample stipend; not by a revenue which sometimes placed him in the light of a land-jobber, or in the character of a buccaneer. If he did not greatly err, this was the proper doctrine of parliament, the true language of the constitution. It would be endless to go through all the items; but there was one grant of 21,610*l.* which had been before animadverted on, made to an hon. officer, a member of that House, (sir Home Popham) to reimburse him for private losses. There was another to a clergyman, of the name of Daniels, to the amount of about 6,000*l.* for giving information relative to illegal captures. Another grant appeared of 700*l.* to an officer, as an indemnification for having been illegally prosecuted. But if the law were inadequate to remedy such griev-

Digitized by Google

ances, was there no other mode by which the object might be accomplished, but to place an enormous fund, a fund of which parliament had no account, at the disposal of the minister of the crown? The proper and only constitutional course was unquestionably to apply to parliament; and if the case was a case of hardship, a case placed beyond the reach of the justice of the law, it was by parliament that the evil ought to be redressed. Had the officer so indemnified been differently situated, if instead of being possessed of some influence with ministers, he had been a man friendless and unconnected, was it probable that he would have ever tasted the benefits of ministerial bounty? Here was another proof that the existence of such a fund was prejudicial at once, directly and indirectly, and furnished a fresh argument for its immediate abolition. The following item that occurred to him was, the expences paid to captors, whose prizes had not been condemned, and who had been adjudged themselves to pay costs. Another item, the last upon which he should trouble the House, referred to the expences paid to the captors of such vessels as were brought in for prizes, but not condemned, in consequence of some defect in evidence. Under this head, 38,000*l.* was given to one individual, 4,000*l.* to another, and 3,000*l.* to a third. It might be right and necessary to support the energy of the service, that some such grants should be made in such cases, in order to indemnify the individuals against the costs of court; at the same time he thought it hardly respectful to those courts, to suppose that they would condemn in costs the cases which had only failed for want of proof; but this, as he had already said, was not the way to provide for them. Those funds had in them a mixture of violence and injustice; the fraud to which they tempted the executive rendered them most objectionable; they were liable to abuse, and they had been abused. It was unnecessary to add any more cases in illustration of what he said; but in concluding, he could not help exhorting the House to reflect, that if ever it should unfortunately happen that a monarch of this country should have an adviser unskilled in the principles of the constitution, or not caring for its principles, without a knowledge of the disposition of the people, or disregarding that disposition, who, seeing that boldness was the shortest and simplest method of government, might also conclude it was the best, and blinded by avarice or servility, should adopt a conduct corresponding with such notions, as had happened in the case of lord Shaftesbury; he would entreat the House to reflect how they were arming the rapacity of the favourite, and with what weakness they were surrounding the throne; how they were exposing the commerce, the prosperity, and the honour of England. If such a person as he had described were to exist, and if, what he was willing to believe more improbable still, he were to make his way into the counsels of his monarch, what a blow could he strike against the best interests of the country? We had yet left, he would not say a single ally, but one remaining friend, and that friend was America. How naturally might a sovereign like the one he had fancied be induced by such a minister, as he had described, to violate this solitary friendship, and for purposes the most sordid and the most atrocious, hasten a rupture, and sweep into this fund the spoils of American commerce. He desired the House to consider also, that this most fatal act, this last achievement of political profligacy, might be defended as strictly regular and legal; justified by the laws and constitution of the realm, and not even requiring that solemn mockery of responsibility, a Bill of Indemnity. He was far from insinuating that such an event was likely to happen, it was sufficient for him and for parliament to know, that it had once happened. The hon. and learned member concluded with apologising for the time he had taken up, and observing, that at a moment when a new arrangement was about to be settled with the executive, he thought the subject of much too great importance to be neglected by a House of Commons, which had the right, a right which it was bound to exercise, of carrying into effect and practice those limitations, and that controul, which could alone make an English king in fact what he was in theory—a limited monarch. He then moved the following Resolutions:

"That the possession by the Crown of Funds raised otherwise than by the grant of Supplies from the Commons in parliament assembled, and applicable to purposes not previously ascertained by parliament, is contrary to the spirit of the constitution, liable to great abuses, and full of danger to the rights of the subject, and the interests of the country:

Digitized by Google

"That it is the peculiar duty of the Commons' House of Parliament, to investigate the nature and foundation of all such funds as are pretended or asserted to be vested in the crown in the manner abovementioned:

"That the Funds arising from wreck, whether at sea or on shore, goods of pirates, prize made before proclamation, prize made by non-commissioned captors, vessels and their cargoes detained in port before the commencement of hostilities, or forced into port by ignorance of war having taken place, or through stress of weather, and all other profits from the sea accruing to the king, either in right of his crown, or in virtue of his office of Lord High Admiral, and pretended or asserted to belong to his Majesty as a separate property, over which parliament hath no controul, have arisen to such an amount, during the last and present wars, as calls for the most serious consideration of this House:

"That it appears, from the papers on the table of this House, that the net and clear proceeds of the aforesaid funds, which had accrued between the 1st day of February 1793, and the 30th day of May 1810, amounted to the sum of 7,344,677*l.*; and that in all probability, it has, since that time, been considerably augmented:

"That these monies have been received by the crown, at different times, in large sums, and not in any regular proportion by the year; and that these sums have been at the disposal of the crown without any interference and controul of parliament, although parliament had, during the whole course of that period, not only provided the supplies for the prosecution of the war, and raised the sums requisite for the internal administration of the country, but provided the supplies estimated to be necessary for the support of his Majesty's household and family, and the dignity of the crown, and paid large sums for defraying such debts as had arisen in these departments:

"That this House taking these things into its consideration will forthwith proceed to enquire into the most fit and efficacious means of bringing the aforesaid Funds under the immediate controul of parliament, for the purpose of applying the same to the public service, and of providing such additional sums, if any, as may appear to be necessary to the maintenance of the household, and of the honour and dignity of the crown."

Mr. *Brand* rose to second the motion. When he looked to the manner in which ministers and the law-officers of the crown had supported the claim of the crown to the funds in question, he felt alarmed, lest by any thing he might say he should weaken the argument which had been so very ably urged by his hon. and learned friend. It was, in his opinion, a doctrine almost axiomatical in the constitution, that this House ought to have the disposal of all the revenue of the crown. The temptation which led to an act of warfare prior to a declaration of war was very great; but the power which it gave to ministers was such as to render it dangerous to the liberties of the people. He understood that there was a great sum of money arising from Droits of Admiralty, disposable at the will of the Prince Regent; and he was determined not to give his vote for another shilling, till an account was laid before the House how that money had been applied. He would suppose that the Prince would not have the power to re-originate the bargain which had been spoken of as made in the commencement of his Majesty's reign; but still he thought, that during the period that he had been Regent, there must have fallen in a variety of items which ought to have been given credit for. If it should appear that no less than 250,000*l.* had accrued in that manner during that time, he thought that such sum, or whatever might be the real amount of it, ought to be accounted for to the public before any new demands were made on account of the expences of the Regency. He was satisfied, therefore, that the motion of his hon. and learned friend was strictly proper, and that a committee should be appointed to examine in what manner those sums were really applied. It was certainly a subject well worthy of the consideration of the House, that a fund which had amounted to so many millions should be disposed of at the pleasure of the crown without any account being rendered to parliament. He thought it was absolutely necessary to take this subject into their consideration, before the House could possibly form a judgment with respect to the civil list, whether it was sufficient or not; and he, for one, was not willing to vote a single shilling more for the purposes of the civil list, without knowing how much of this fund might be properly applied to the purposes of that list. As this subject had been often under discussion, and as his hon. and learned

Digitized by Google

friend had entered so fully and so ably into the merits of the case, he did not think it necessary to trouble the House with any more observations at present.

Mr. *Courtenay*, in rising for the first time, disclaimed any idea of emulating the eloquence of the hon. and learned mover; nor, as to legal argument, would he attempt to follow the hon. and learned gentleman; but he must say, that it appeared to him, even from his own statement, that the laws and authorities upon which he relied were all of a very ancient date, and antecedent to the Revolution. The practice, as it now existed, had existed for a great number of years: during which time a number of most acute intelligent lawyers, and men extremely jealous of the prerogative of the crown, had sat in that House, and never questioned the right of the crown to those Droits of Admiralty; and indeed the arguments used did not go so much to shew that the system complained of was illegal, as that it was unseasonable. His principal object in rising was to protest against the principle of having a mere stipendiary king, with an income fixed by parliament, and never to be exceeded. He thought that where a certain allowance had been fixed in the commencement of this reign, it would be too much to require that the sovereign should be dependent on the parliament for that gradual but regular increase of his expenditure, which necessarily took place from the great depreciation of money, (hear, hear! from the Opposition bench) or the great increase of prices. Every gentleman who kept a house, must, from his own experience, be sensible of this perpetual increase of prices. He believed the hon. and learned gentleman could shew no instance of a sovereign of this country, who was ever restricted in that manner. He approved of the system existing in the reign of Charles 2d, who had a tonnage duty on all imports and exports. Now, when the great increase of our trade, within the long reign of his Majesty, should be taken into consideration, it appeared highly probable, that if those duties had not been surrendered by the crown at the arrangement, they would have now amounted to such a sum as would have prevented parliament from hearing any complaints of deficiency in the civil list. As to the practice of making grants under the sign manual, it had been of long duration. The hon. gentleman here read an account from the Journals, stating the sums taken in that manner from the Crown Revenues, before they came into the Exchequer, in queen Anne's reign. As to the possibility of the prerogative of the crown being abused in the manner the hon. and learned gentleman had supposed, and of the minister advising a war merely for the purpose of giving some money to the crown under this claim of Droits of the Admiralty, the supposition appeared to him highly improbable, and the danger theoretical; but still he did not deny but that it might be proper for parliament to take the whole system into its consideration, whenever there should be a new arrangement of the civil list, on a demise of the crown. As to the business of Copenhagen, which had been mentioned, he believed that nothing had been reserved for the crown under the head of Droits of Admiralty; and what arose from the capture of the Spanish frigates had been given to those engaged in the Spanish trade.—As to the charge of this fund having been abused to the purposes of secret favour and jobs, he believed that only one case had been cited which bore the least appearance of favour, and that was the case of sir Home Popham, which had already been pretty fully discussed in that House. As to secret jobs, if there were such, how did the hon. and learned gentleman come at the knowledge of them? As to those grants which were not secret, but which had been already stated to parliament, it appeared that hardly any objections were or could be made. He would by no means contend, that this was the most convenient fund for paying the increased expence of the civil list establishment out of; but he would say, that until parliament should create some other fund or means to meet the deficiency in the civil list, he thought that it was the best way to supply it from this source. Although the expences of the civil list establishment had much increased, he believed that the king kept no more servants, horses, or carriages than he did formerly. He by no means wished to under-rate the principle, of the necessity of the crown being dependent on parliament for its income, as far as related to public services, but he thought that the king should be independent as to his household and personal expences; and that a system which made a frequent recurrence to parliament for assistance in that respect was unconstitutional and dangerous. Under all these circumstances, he should vote

Digitized by Google

against the motion, which went to destroy a system, which, if not the best, had answered the purpose of supplying the deficiency of the civil list, and in which no abuses had been shewn to exist.

The *Attorney General* said that his hon. and learned friend had stated truly to the House, that there were two questions to be decided; the one, whether the crown had any right to the revenue in dispute; the other, whether, supposing the right established, it was proper that it should be left so? His hon. and learned friend had maintained that the revenue of which his Majesty had undertaken the administration, did not of right belong to his Majesty; in doing which, however, he had admitted, that till the time of the Revolution, no branch of the revenue whatever was appropriated, until the passing of the civil list acts. In order to shew that his majesty was not dealing with, as his own, that which was not his own, he should refer to those acts; and as the most convenient order, he should begin with the last, and so follow up the series. In the 1st of the present king, by which 800,000*l.* was settled on his Majesty for life; in that, as in the former cases, many revenues were collected into one aggregate fund, and named specifically, but among them the Droits of Admiralty were not included. It was certain that before the institution of the civil list the Droits belonged to the king, but whether from that period they still remained to him, was a question not quite so evident. They were therefore to enquire, whether among the revenues which composed the aggregate fund, the Droits of Admiralty were mentioned. If they were mentioned, undoubtedly they were included in the bargain between his Majesty and parliament, on his first arriving at the crown, but if not, they were still to be considered his own property. Here the hon. and learned gentleman took a review of the various acts from the 1st of George 3, to that of William and Mary on that subject, in none of which this fund was alluded to. It therefore remained with his Majesty as before. The next point to which they came, was the simple consideration, whether it ought to be taken from him; and that must lead them necessarily to the act of Settlement, by which in lieu of certain revenues, parliament had agreed to allow to his Majesty the sum of 800,000*l.* a year. The parliament had all the revenues then under their eye, yet they granted him the sum already mentioned, leaving to him in addition whatever was not included in the aggregate fund, so that the Droits of Admiralty were his own; unless it could be proved that an improper use had been made of those Droits by ministers. If a case had been made out by his hon. and learned friend, imputing to ministers the fact of having corruptly taken and corruptly applied that fund, there would then have been some ground for the motion; but as the question stood, they were to decide whether they would take it away, because it was possible that it might be misapplied. There was no part of the revenue to which the same argument might not be applied with the same justice. It appeared to him, on these grounds, which he had stated as shortly as he could to the House, that the motion was unnecessary, and therefore he should oppose it.

Mr. *Davies Giddy* declared, he had not intended to take part in this discussion, but from what he had heard, begged shortly to deliver his opinion on the two points into which the question had been so properly divided. He agreed, that the right to these Droits, from the Conquest to the present day, was vested entirely in the king. But when any revenue was so vested, there were vested with it co-relative duties to be performed. Of old, when the kings of England held lands and other sources of revenue, they were bound to protect the country, to be at the expence of carrying war into foreign parts, and perform other services for the realm. The same mode existed in some arbitrary governments at this day, but in England they had made one of the greatest improvements ever thought of in politics, by separating the revenue, and granting it for particular purposes. No man was inclined to go farther than he was in the amount he would appropriate to the support of the crown and all the royal family, though he could have wished that the civil list had been voted solely and clearly to the king, and that ambassadors and great officers had been provided for by other grants. But if the old hereditary revenues of the crown were continued, the old hereditary duties ought also to continue. As for meeting the excess of the civil list out of this fund, he must consider any other source better than one so uncertain and precarious. Although he was convinced that the argument of war being entered on to increase this fund was merely theoretic, yet even theory so dan-

Digitized by Google

gerous ought to be guarded against. It was said, that this was not a proper time to cavil about a bargain which had been made to last till the end of the reign. To this he would agree, had they not been called on to raise other money for the crown; but as it was, he was convinced they ought not to levy fresh supplies, till it was shewn that former grants had been insufficient. He had ever thought a limited monarchy the best mode of government; but he held, that with respect to a king as with respect to a senate, there ought to be no property in their possession, not applicable to the service of the state. On this ground he was for carrying the amount of this fund to the public stock, or at any rate for leaving it with parliament to dispose of, giving out of it as much, and no stinted sum, as was fit to support the crown, and all its dependencies, in dignity and splendour.

Mr. *Stephen*, while he conceived the Droits of the Admiralty to be the property of the crown, did not carry the argument the length of contending that the House had no controul over them, though he denied that there was any occasion for a previous approval by parliament of any appropriation of them. His hon. and learned friend who brought forward the present motion, did not argue the case as if the crown exercised a usurpation over this fund, but as if he doubted whether the crown did so or not. The right however, he (Mr. Stephen) conceived to be indisputable. His hon. and learned friend agreed, that previous to the revolution, the right was in the Lord High Admiral; and was not that office put in commission by the king? If the right was in the admiral before, it seemed to follow that it must now be in the crown. The words of lord Clarendon, addressed to Charles the 2nd, which his hon. and learned friend had quoted, seemed even to favour this idea; his lordship telling his majesty that he, not his people, would be abominably cozened, by suffering the profits of this office to remain unaccounted for at the exchequer.—With respect to those disputes which might have arisen at different periods of our history as to the distribution of these droits, they were rather disputes between the king and the captor, or the Lord High Admiral and the captor, than between the king and the public. He could not help thinking that his hon. and learned friend had been a little strong in his phraseology, when he said, that all such grants were contrary to the spirit of the constitution. According to such reasoning, every one of those acts settling the civil list revenue, were violations of the constitution, because it was clear that by each of them, the legislature left in the crown property not granted by the parliament. If this was against the constitution, then forfeitures and seizures and all grants arising therefrom, might be, with equal justice, said to be anti-constitutional. Besides, grants might be made in case of the public service, though not immediately for the public service, which, however, it would not be fair to consider as an abuse of public money. It was at the same time but just to consider, that the civil list had not at any time been adequate to the claims upon it. Mr. justice Blackstone was a writer not disposed to yield or compromise the privileges of the subject, and yet in the year 1777, he had acknowledged the utter deficiency of the civil list to answer the claims upon it, and even appealed to every gentleman of private fortune, whether from an impartial calculation of the proportion of his respective means to the private demands upon him even at that period, the civil list could be supposed to be adequate to the great demands upon it.—It was unfair too in his hon. and learned friend to talk of eight millions as the amount of the droits at present. The net sum, including every possible item, was only 7,344,677*l.* The reductions themselves amounted to more than a moiety. The mere payments to captors amounted to 2,336,745*l.*; and with regard to the objection to captors in certain cases, he wished to know from his hon. and learned friend, whether he would take upon him to say, that in no case, private captors ought to have remuneration? Might not war break out under such circumstances as to render it most just and expedient that private captors should be remunerated?—Another deduction was that of 406,554*l.* to neutral claimants. There was a still further deduction of 289,691*l.* for payments to the receiver general of droits, law charges, &c. Under the head of special payments there was no less a sum than 425,687*l.* A further deduction as to the indemnification of officers for costs incurred in Admiralty courts, where ships taken under circumstances of strong suspicion, had turned out to have been neutrals. To some of them, however, the hon. and learned gentleman objected, as being pay-

Digitized by Google

ments to defray the costs incurred by unlawful captures; and he asked, was it to be endured, that an unlawful captor should not smart for his misconduct, as a warning to himself and others in future? But he would appeal to the House, if many cases might not occur, in which it would be the greatest possible hardship not to exonerate a captor from the costs attending a decision against him. He would only mention one instance, in which some vessels, caarying ship timber for the enemy, were to all appearance so completely covered and protected as neutrals, that, in the Admiralty court, the captors of them must have been condemned in the most ruinous costs, had not private information been obtained from another quarter, that the timber was destined for the enemy. His hon. and learned friend had also alluded to a grant of 5,097*l.* to a reverend gentleman, for information given as to enemy's property; and certainly, though that sort of business might not be very suitable to his clerical character, yet it was proper he should be paid in proportion to his services. The truth was, it would have been absolute ruin to many gallant officers, to have left them saddled with the costs of captures that had been pronounced illegal, though made by them in the discharge of what they thought to be their duty: and these brave men instead of carrying the fame of the British navy into all parts of the world, would have been left to waste their lives in a prison, but for this power of remunerating them out of the Droits of Admiralty. This, therefore, he would contend, was a most wholesome application of the fund in question. But if that fund was only to be applied in the way he had mentioned in consequence of a specific vote of parliament, in every particular instance, he could hardly figure to himself the dreadful consequences that would ensue. Were the claims of officers for exoneration from the costs with which they were saddled at all a proper subject of investigation for that House? Were they to hear counsel at the bar, to enter into enquiries into those claims, and to be canvassed by naval officers? This would, indeed, lead to the most unconstitutional abuses, and would draw the whole of the executive power into the hands of the House of Commons. There were several items of appropriation which well deserved attention: no less a sum than 900,000*l.* had been placed to the account of the consolidated fund by the Dutch commissioners; 750,000*l.* had been paid to the treasurer of the navy by the Spanish commissioners; 100,000*l.* had been paid by the registrar to the treasurer of the Ordnance, and 150,000*l.* to the treasurer of the Navy, There had been also a sum of no less than 348,261*l.* paid to lords Gambier and Cathcart as prize-money taken at Copenhagen. Grants had likewise been made to some of the branches of the royal family, amounting to 171,500*l.* To these grants his hon. and learned friend had taken exceptions; but the hon. gentlemen who sat around him would hardly join him in such objections. When did these grants commence? Why, it was during the administration of Mr. Fox that the precedent was first given; and he would leave it to gentlemen on the other side, who, he had no doubt, would be both willing and ready to defend the practice. The hon. and learned gentleman concluded, with expressing his determination to vote against the resolutions.

Mr. *Brougham* observed, in explanation, that his hon. and learned friend was mistaken as to the precedent of grants to the royal family being first given during Mr. Fox's administration. From the papers it appeared, that in 1805, when Mr. Pitt was in office, there had been a grant of 26,000*l.* to the princess of Wales; 15,000*l.* to the duke of Cumberland; 10,000*l.* to the duke of Kent; and 19,500*l.* to the late duke of Glocuester.

Captain *Herbert* passed a high encomium on the speech of the hon. and learned mover, and maintained that several acts of the legislature proved indubitably that the Droits of Admiralty were not solely vested in the crown, but were also under the controul of parliament.

Mr. *Rose*, in allowing the merit of eloquence to the hon. and learned mover, claimed for Mr. Stephen that of sound reasoning, and considered the speech of the latter gentleman as a plain and distinct answer to whatever had been advanced on the other side of the House. He defied the hon. gentleman to point out a single abuse, and could not conceive the difference they had attempted to draw between prizes, which no one disputed, to the king, and the Droits of Admiralty, which were the objects of the present motion. He maintained, that if the crown had not possessed the means and the power of indemnifying naval officers, many of the gallant men who had so

Digitized by Google

largely contributed to the safety and to the glory of their country, would have ended their days in a prison. He mentioned the case of lord Nelson, then captain Nelson, who, when stationed in the West Indies, after the American war, had actions brought against him for upwards of 20,000*l.*, for having enforced the Navigation Act, to which this country was indebted for its naval pre-eminence. He did at the time investigate the case of captain Nelson, who had acted perfectly right, but who, nevertheless, might have been ruined and stopped in his glorious career. He promised and gave him every kind of support, but this he could not have been able to do, if the Droits of Admiralty, the only fund disposable for that purpose, had not been at the disposal of the crown.

Mr. *Abercromby* said he would state in a few words the grounds and object of his vote. He did not wish to consider how the money had been applied, nor did he charge misapplication of it on any individuals; for in that case, the business would have come under the consideration of parliament, in a very different form from the present. His view was to inquire, as these funds were of a permanent nature, and were likely always to exist, who ought to have the controul over them. No doubt in any future appropriation of those funds, a great part of them in any case would be applied as heretofore. But the question was, who was to have the controul of it? Surely it ought to be parliament; and to say that no misapplication had yet taken place, was really no answer; if there was a possibility of misapplication, it was the duty of every member of parliament, who did not wish to depart from his public duty, to provide against any such possibility of abuse. The luminous and masterly statement which his hon. and learned friend (Mr. Brougham) had that night submitted to them, would have astonished all who heard him, were it not known, and had he not by his eloquence on former occasions, sufficiently satisfied every man that he was one of the most powerful and considerable persons in that House.

Mr. *W. Smith* wished merely to ask one question. The account now submitted to the House began in 1793, and ended in 1810, and taking the amount at 7,300,000*l.* the annual sum was 430,000*l.* a sum which, it was contended, should be wholly at the disposal of the crown. Now, what he wished to ask was, merely, if any one had demanded, in 1793, that a sum of 430,000*l.* should be annually at the uncontrouled disposal of the crown, for 17 years, how would the proposition, at that time, have been received?

The *Chancellor of the Exchequer* saw no particular weight in the question which had been just put, to make any member alter his opinion on this subject. There was as wide a distinction between the case which he had supposed, of the sum of 430,000*l.* being annually at the uncontrouled discretion of the crown, and the present, as could well be between any one case and another; because it was impossible for any person to look at the paper now before the House with care, without seeing that the amount of the sum which he had stated was limited by the abatements and deductions necessary in bringing it into existence, to less than the half of what he had stated; and whenever an application was made of any part of that remainder it was subject to be canvassed by parliament. Whatever might have been the practice of former administrations, he would for his own part say, that the very first moment he heard of any suspicion as to the manner in which any part of the funds had been disposed of, he had shewn a perfect readiness to produce an account of it, that it might be seen in what way the application had been made. The account now before the House, was produced in May 1810, and the hon. and learned gentleman had had two years to bring forward the declamatory attack which he had that night thought proper to make. They had heard much of the talents and eloquence displayed that night by the hon. and learned gentleman; but whatever opinion might be entertained of those talents or that eloquence, sure he was that the application of them in the present case was not calculated to give much satisfaction. But whatever his eloquence might have been, it was in his opinion not unanswered, and even in sundry parts of his argument by the hon. gentleman who was the seconder of his motion. To that hon. gentleman he wished to ask, if, after the argument delivered by him, he would support the present question? He thought that he understood that hon. gentleman, and really he could not conceive how with the doctrine he had held, he could increase the list of those admirers of eloquence, who agreed with the arguments

Digitized by Google

and supported the resolutions of his hon. and learned friend. The hon. and learned mover had stated that it was possible to carry on war with this inordinate sum of eight millions, without the assistance of parliament: for in order to justify the eloquence and violence of the hon. and learned gentleman, it appeared necessary for him to state, that the fund amounted to that extent, without taking the smallest account of the necessary deductions to which it was subjected. Was the hon. and learned gentleman really serious in urging such an argument to the House? The question before the House naturally resolved itself into the legality of the existence of this fund, and the propriety of its continuance: and with regard to the legality he was really astonished that any lawyer should have thought proper to state in that House, because the Droits of Admiralty were not mentioned in the Statute 'de prerogativa regis,' that, therefore, they were illegal. In what respect did the Droits of Admiralty differ from other prizes? All prizes whatever were vested in the crown. The fact was, that there had not been a statute passed since the reign of queen Anne, in which the right of the crown had not been recognized by parliament. Did he mean to say that it was necessary it should have been mentioned in that statute? He would refer him to the various prize acts which had from time to time been passed. If the Droits of Admiralty were not vested in the crown, to whom then did they belong? In whom were they vested before the establishment of the civil list? But the civil list acts did take this property from the crown. On the grants in the civil list act, there were parts of the royal revenue retained by the crown, and among others, the Droits of Admiralty; but the argument of the hon. and learned gentleman would go to leave so much in the situation of a privy purse, and to take out the present. Now, where was the accuracy of distinguishing these droits from the other reserved parts of the revenue, from the revenues of the Duchy of Lancaster for instance? It was not exactly as the hon. and learned gentleman had stated, that the magnitude of these droits in former times was never considerable; for the droits which arose out of the six years war were really of some size, as 6 or 700,000*l.* were in existence at the period when the civil list act passed, which were afterwards granted to that fund, in the same manner as the proceeds in the Spanish or Dutch cases alluded to, had been applied to clearing off the debts on that fund. It was material that a question of this nature should rest on a proper foundation; but in the present case, the foundation on which the hon. and learned gentleman voted, had been taken from under him by those gentlemen who had adopted his side of the argument. They had disclaimed any intention of stating any instances of abuse, and they merely contended, that there was a liability to abuse; but a very material part of the speech of the hon. and learned gentleman, which, whatever impression it might make on the House, was certainly calculated to make an impression out of it, was, that the government of this country had been guilty of successive acts of abuse—that if any distinguished character was to be rewarded, the minister came before parliament with the claim; but if any minion who might excite disgust in every person who heard his name, was to be rewarded, it was done out of the Droits of Admiralty. Would any man suppose that the hon. and learned gent. would have brought forward an argument of this sort, when it appeared that he could not point out an item of all that eight millions which had been bestowed to a favourite of ministers? Was this fair to the country? Was it fair, he would ask, to inflame the passions of the country with a statement of abuses which he could not particularise? Was it fair that he should take no notice of the large deductions from the amount for the necessary claims upon it? The case of sir Home Popham was the only one which he thought proper to mention. This solitary case, which had before been satisfactorily explained to the House, was, it seems, all that by ingenuity and industry, he was able to bring forward. But what was singular enough, was that the very first item of the debts of the civil list which had been paid from the droits—the very first item of this gross misapplication, at which all England must be astonished, was done by authority of those most unexceptionable, by those most constitutional politicians, Mr. Fox and lord Grenville! He was not objecting to the appropriation, nor did he wish to retaliate any charge upon them, but when it so happened that that administration, of whose principles the hon. and learned gentleman was known to be a professed admirer, was the administration which set

Digitized by Google

the first example of that misapplication, and that such a practice had been countenanced by those unexceptionable characters in his estimation, this was rather a material circumstance against his argument, and was at least entitled to some consideration from him. Really, however, to do the hon. and learned gentleman justice, he did not believe that when he made the present motion he was aware of that circumstance. Adverting to what the hon. and learned gentleman had said respecting the motives by which the attack on Copenhagen might possibly have been stimulated, he declared, that every particle of the property taken on that occasion had been granted to the captors. Conceiving that the proposed Resolutions stated that to be law which was not law, and that to be expedient which was not expedient, he should give them his decided opposition.

Sir *Francis Burdett* thought the right hon. gentleman, although he had touched on some of the collateral points of the question, had left out every material consideration. He had urged the inconsistency of supposing that government would go to war from unjust considerations, merely for the sake of the Droits to the crown. The astonishing fact, however, was well known, that there had been ministers of the country who have actually plunged it into war from such unjust considerations. A great part of the right hon. gentleman's speech was directed to the qualities and qualifications of the hon. and learned gentleman who brought forward the motion, and to the conduct of a former administration; but that had nothing to do with the argument. What the liberty of the subject called for, was what they ought to consider. In the present day, parliament was really so ornamented with gentlemen of the learned profession, that arguments were now listened to, that would at a period which was not beyond his experience have been rather coldly received in that House. It was in the nature of man to desire power, and nothing could be more constitutional than to watch with an eye of jealousy over every source of revenue which was not under the controul of parliament. It was a fact, that a king might, as king, be now poor, with his civil list in debt, yet with private property to a very considerable amount. He was glad to find that some doctrines, which had formerly been very coolly maintained in that House, were now relinquished by those who opposed the present question. He remembered to have heard it gravely maintained by a judge advocate, that the Droits of Admiralty were as much the private property of the king as any private gentleman was entitled to his fortune. He really could not see, though the king might have a right to this property *di jure coronæ*, that he could hold any property on any other tenure than for the benefit of the public. He had no right to put money into his own pocket. It was impossible to say how this money might be disposed of. It had been said, it might be given to minions and mistresses; but might it not also be given to such persons as members of parliament? He might first buy all the saleable boroughs, and then procure such a parliament as would willingly sanction the most unjust measures. He was sorry that this question had at present been brought forward, for he considered it so strong and so clear, that when he saw the disposition of the House he could not but be alarmed lest they should decide against the public, which was against the vital interests of the country. He really, when he saw the liberality of the people of this country, and their willingness at all times to support the dignity and splendour of the throne, was astonished to find, that while the debts of the civil list had been encreasing, the splendour of the throne had been diminishing. He must with sorrow confess, that it appeared to him that the original splendour of the crown had been diminished, and that several establishments had been laid aside, while more than three millions had been paid to the civil list. He maintained that the whole of the Droits of Admiralty ought to go to the captors; and that those who bore the burden of the war ought to have the benefit of it. As to calling them the king's rights, they were so, as we spoke of the king's courts, the king's highway, and the king's peace. If the king was allowed to expend the fund as he pleased, he wished to know whether he might not buy landed property with it? Thus the crown might be without a shilling, and the king in possession of half the land in England. However the case might have been before, it became now the duty of parliament to control. If any farther provision were wanted for the king or his family, let parliament give it: but let there be no underhand means of giving it. The grants of the royal family were highly unbecoming and reprehensible;

Digitized by Google

they put the princes into a state of dependence upon whoever might be the minister of the day.

Sir *John Nicholl* conceived, that the hon. baronet had misinterpreted the doctrine held by his side of the House. For his own part, he had never considered the Droits of the Admiralty, which they were properly called, but as a trust vested in the crown. He did not accede to the principle of reform maintained by the hon. baronet, because the present practice was liable to evil. The true principle was, first to see the evils as they arose, and then to apply the remedy. He allowed that it was a great sum, but it was applicable by ministers, and subject to the control and review of parliament; and had ministers ever refused to submit the accounts of that application? There was no danger, therefore, to the constitution to be apprehended. The last administration he considered as a high constitutional authority, and during the continuance of that administration, no message had ever been brought down to the House to take the subject into consideration. Had Mr. Fox thought it dangerous, he would, no doubt, have taken some measure to reform it. It had been said, that seizing enemy's ships before proclamation of hostilities was a piracy, and a larcenous warfare, and a war of banditti. Such expressions ought not to go forth from that House, as they were a disgraceful imputation on the character of the country. This, he conceived, had always been the practice, and laying an embargo, he contended, was a benefit rather than an evil, as it prevented the entering into unqualified hostilities, and gave the enemy time for consideration. That mode, he contended, which had hitherto existed, was the best, and therefore ought to be continued.

Mr. *Tierney* said, that he should esteem himself wanting in private friendship to the hon. and learned mover, if, while he differed from him as to the mode of his Resolutions, he did not acknowledge the great display of talent which he had evinced. From the reports of the King's physicians, it might be with decency pronounced that a demise of the crown might be expected at no very distant period: it became therefore the duty of parliament to manifest their sense on this important subject of Admiralty Droits before that event took place, that the people might be convinced they were willing to meet their wishes as far as possible. He should not dispute the right of the crown to these droits, but he thought they ought not to remain so vested without parliamentary enquiry. The Droits of the Admiralty differed from other droits, as they were not equally ascertainable. He did not object to any droit of revenue arising from the duchy of Lancaster, because it was a sum certain; but suppose a coal-mine should be discovered there, would not that alter the case? So, without wishing to inflame the minds of the people, he must say, that the sums from these droits now amounted to that enormous extent, that the paramount authority of parliament was loudly called for to watch over their application. He alluded to the case of sir Home Popham, and proceeded to state, that the liberality of parliament to the princes had been so great, that there was no reasonable ground of apprehension, that due provision would not be made for them without recourse to this fund. In the last parliament, an increase of 50 per cent. to their incomes had been almost unanimously granted. In a recent instance, the sum of 20,000*l.* had been given to one prince, a circumstance which would be looked upon as a monstrous perversion of money if given to a private nobleman,—yet a prince, in the contemplation of parliament, was merely a private peer of the realm, and as such sat in the upper house. He then defended the conduct of lord Grenville's administration. That noble lord had found a great debt on the civil list, and had had recourse from necessity to a step, of which, however, he had taken pains to prevent the recurrence. But, however that might be, circumstances now demanded peculiar vigilance and jealousy. Though he differed from the mode of his hon. and learned friend's motion, he agreed with it in substance; and thought that the House should not adjourn till it had noticed the immense sums now placed at the disposal of the crown; which would shew, that at least an account should be rendered of that expenditure which perhaps could not be prevented. That these circumstances should be recorded, he proposed as an amendment, "That this House having taken into its serious consideration the unprecedented sums, at different and uncertain periods, within the last twenty years, received and disposed of by the crown as droits, is deeply impressed with the necessity of enquiring into and ascertaining the extent and application of the same." If this motion should be carried, he would follow it up by

Digitized by Google

moving, "That an humble Address be presented to his royal highness the Prince Regent, That he will be graciously pleased to give directions, that there be laid before this House, an account shewing the amount received from droits, and the various payments made from the same, from the 5th of January 1810 to the 5th of January 1812; distinguishing by whom received and on what account:" and also "That an account be laid before the House to the same effect, before the expiration of the first ten days of every session of parliament."

The *Chancellor of the Exchequer* opposed the amendment, but had no objection to the production of a paper similar to that which brought the Account down to May 1810, to bring it down to the present time. When the question before the House was disposed of, the right hon gentleman, if he pleased, could move for it; otherwise he would do it himself.

Mr. *Brougham*, in reply, maintained strenuously, that the bargain between the sovereign and the parliament had been abrogated, and that the crown ought not, with safety to the constitution, to retain such immense sums at its disposal.

Mr. *Ponsonby* said, it was with extreme reluctance he got up. He perfectly coincided with his right hon. friend (Mr. Tierney). He could not agree that the crown had ever bargained for its rights; but he was of opinion, that the king of this country could not have a shilling of revenue without being liable to the examination of parliament, the crown had a right to the revenue, but the parliament had a right to enquire into it. After giving the question his full consideration, he was obliged to say, that he could not give his vote for the resolutions of his hon. and learned friend.

The House then divided,

For Mr. Brougham's Motion 38
Against it.....93
Majority.....—55

The Resolutions moved by Mr. Brougham were negatived without a division. A division then took place on Mr. Tierney's Amendment, which was supported by all those who supported the original Resolutions. The numbers were, for Mr. Tierney's Amendment, 38, Against it 93. Majority 55. Mr. Brougham then moved for a Committee to inquire into the subject, and a second division took place: For the appointment of a Committee 36, Against it 94. Majority 58.

HOUSE OF COMMONS.

Wednesday, January 22.

PETITION FROM BARBADOES RESPECTING THE SUGAR TRADE.] Sir Arthur Piggott presented a Petition from several inhabitants of the island of Barbadoes interested in the Sugar manufactory and trade, in behalf of themselves and others of his Majesty's subjects interested, setting forth,

"That the acknowledged importance of the West India trade to the commercial interests and navigation system of Great Britain, the immense amount of British capital embarked in the West Indies, and the vast revenue derived from the Sugar colonies, demand aid and protection from the mother country; and that the distresses of the West India planters have increased to an extent hitherto unexampled, and the effects which the disuse of Sugar in the distilleries has already produced are such as to excite in the minds of the Petitioners the most alarming apprehensions that nothing short of the speediest relief can enable them to preserve their capital from the most rapid deterioration; and that, admitting the abolition of the Slave Trade to be a measure founded on the general principles of humanity, and therefore not to be shaken by considerations of lesser importance, the Petitioners however conceive this fact to be certain, that the present population of their negroes can only be kept up by an unremitting care and liberal attention to their comforts; and, while they feel and acknowledge the truth of this proposition, they see, with extreme perplexity and concern, that the depreciated value of their produce, and the heavy and disproportioned imposts laid on it, must not only stifle every present hope of redeeming their affairs, but will operate as a severe check to the slave population, as they must deprive the Petitioners of the means of affording their negroes many essential necessaries, and subject them to great privations; and that the Petitioners presume to remind the House, that the use of Sugar in the distilleries produced considerable relief to them by giving a vent to 770,000 cwt. of an inferior and middling quality, which now is only vendible at the most ruinous prices; and that the distillation of Sugar (estimated at a quantity equal to half the home-consumption), while it aided the commercial and navigation system, benefited, in a proportionate degree, the general interests of the em-

Digitized by Google

pire; and the Petitioners conceive that the converse of this proposition must be true, in consequence of the exclusion of Sugar from the distilleries, and that thereby the continental policy of our enemies will be most effectually promoted; and that they are encouraged by these considerations to hope for the admission of the use of Sugar in distilleries, when barley and other grain bear that scarcity-price at which their importation into Great Britain is admitted, especially as it has been proved before parliament that more than 30,000,000*l.* sterling has been paid by Great Britain for foreign grain during the thirteen years preceding 1804; and that, in the year 1810, the value of grain imported amounted to more than 7,000,000*l.* sterling, the greater part of which is purchased from our enemies; and that, in the event of Sugar being consumed by British distillation, were the restriction taken off which now impedes the export of corn from Great Britain to the colonies, corn could be imported into the West Indies for the use of their inhabitants, and of the British soldiers and sailors stationed in them, to the great advantage (as the Petitioners conceive), of the British landholders and merchants; and that the Petitioners humbly recall to the recollection of the House, that a partial export of Sugar from the West Indies was formerly allowed in American bottoms, the prohibition of which has proved extremely injurious to the planters, who receive those stores, so essential to the existence of their plantations, from the United States, to pay for which, money is now drained from the colonies, and which, if retained, would operate to the manifest advantage of government, by raising the premium of exchange on bills; and that, in consequence of this, it was recommended, in the year 1808, by a committee of this House, that the planter should be allowed to barter Sugars with the Americans to the value of the stores which they received from them; and it has been proved, before a committee of the House, in the year 1807, that British America is ill suited to supply the wants of the planters, who are furnished with only one tenth of their stores from thence; and that the value of these stores from the United States has been computed at twenty-five thousand hogsheads of Sugar, the vent for which would afford a great general relief to the planters, and prevent a reduction of their crops, which, under existing circumstances, must ultimately ensue, to the ruin and to the consequent injury of the ship-owner and merchant; and that, on the other hand, the admission of this barter would contribute to redeem the Petitioners from a rapid approach to a state of insolvency, and enable them to pay those debts which would otherwise be lost to their British correspondent; and that, without presuming to claim any such measure as a matter of right, the Petitioners humbly set forth, that a much greater indulgence was granted at a former period in relief to the distresses of the planters, by the general permission of open export to every port in Europe of colonial produce in British bottoms, which concession continued from the 29th of September 1739 to the year 1771; and that the Petitioners with deference assert, that it has been an erroneous opinion that the increased duties on Sugar have fallen on the consumer, and not on the planter, since the prices of Sugars have never risen in a proportionate ratio to those duties: in elucidation and exemplification of this detail of facts, the Petitioners beg leave to refer the House to the following Abstract of an Account of sales of ten hogsheads of Sugar.

Dr.	£.	s.	d.
To Duty Fees on 115 cwt. 1 qr. 5 lb	153	15	3
Amount of mercantile Charges without Insurance	102	15	3
Nett Proceeds.....	27	6	3
	£.283	16	9

	Cwt.	qrs.	lbs.	
By	119	2	20	Gross
	14	2	6	Tare
	105	0	14	at 54*s.* per cwt. £.283. 16*s.* 9*d.*

"The Petitioners beg leave to call the attention of the House to this circumstance, that, from the balance of 27*l.* 6*s.* 3*d.* is to be deducted the cost of the ten casks in the West Indies, which, at 30*s.* sterling each, is 15*l.*; so that the planter netted on his shipment 12*l.* 6*s.* 3*d.* sterling, and he having been his own insurer, the insurance is an item not charged in the above account of sales; and that it would afford a great relief to the Petitioners, could the duties on Sugar be received in kind, as is the case with respect to the four and a half

Digitized by Google

per cent. duty of the island of Barbadoes; for, under that mode of collection, the Petitioners would be relieved from the heavy charge made of interest on the advances for duty, as well as from a considerable proportion of their other expences, they would thus pay a duty proportionate to the actual value of the Sugar, and not have to force sales of their produce at a loss to pay these duties in cash, a mode of paying them which greatly increases their present hardships; and that, in this their humble Petition to the House, they rest on the important truths, that the interest of the mother country is identified with that of the colonies, and that the loss of the planter is a loss of that British industry and capital which now produces a revenue of 3,000,000*l.* sterling on Sugar, and a consumption of British produce and manufactures to the amount of 6,000,000*l.* sterling in the West Indies, which must be greatly reduced, if not annihilated, unless the present distresses of the proprietors of Sugar plantations be promptly relieved; and the Petitioners therefore presume to express their earnest but respectful hope, that the House will be pleased to take into their consideration the distressing case of the Petitioners, and others his Majesty's subjects interested, and that they will be pleased to afford such relief as their great wisdom, liberality, and justice may suggest."

Ordered, to lie upon the table.

American Loyalists' Petition.] A Petition of the several persons whose names are thereto subscribed, on behalf of themselves and others whose claims have been adjudged good by the commissioners appointed by the act of parliament passed in the 43d year of his Majesty's reign, intituled, "An Act for appointing Commissioners for distributing the money stipulated to be paid by the United States of America, under the convention made between his Majesty and the said United States, among the persons having claims to compensation out of such money," being offered to be presented;

The *Chancellor of the Exchequer*, by command of the Prince Regent, acquainted the House, that his Royal Highness, having been informed of the contents of the said Petition, recommends it to the consideration of the House. Then the said Petition was presented and read; setting forth,

"That, previous to the American war, many British merchants, under the sanction and encouragement of the laws of their country, carried on a very extensive and in a national point of view, a very important commerce with their fellow subjects in North America, in the course of which debts to a large amount were necessarily contracted, and at the commencement of hostilities a sum of great magnitude remained due from the inhabitants of that country to the British merchants, and others his Majesty's subjects; and that the sudden suspension of all intercourse betwixt the two countries, in consequence of the war, preventing the possibility of using any means for enforcing payment of these debts during the continuance of the contest, the British creditors had no resource but to wait patiently for the return of peace, which they accordingly did, under the full conviction that no treaty could in justice or honour be agreed to by his Majesty's ministers, which did not clearly and unequivocally secure to them the complete recovery of, or ample compensation for all their just demands; and that, by the fourth article of the treaty of peace betwen his Majesty and the United States of America, signed at Paris 3d September 1783, it was accordingly provided, 'That 'creditors on either side shall meet with no 'lawful impediment to the recovery of 'the full value, in sterling money, of all '*bona fide* debts heretofore contracted,' the American government thereby pledging itself, in the strongest manner that a nation can do, that every lawful impediment should immediately be removed, which might operate as a bar to the recovery of British debts fairly contracted before the peace; and that, in breach of this article of treaty, not only those laws which the assemblies had enacted during the war against the recovery of debts due to British subjects were kept in full force and operation, but new laws were made to the same effect, the American judges, at the same time, either passing over the actions of British subjects when they came into court, or nonsuiting the plaintiffs in such actions, on the plea of 'British debt,' or directing juries, and deciding on every occasion against them: by these means, the recovery of just debts to a vast amount was prevented, and the injured creditors were obliged to resort to their government for protection and relief: the injustice under which British subjects thus suffered being notorious and flagrant, their com-

Digitized by Google

plaints were attended to by the British government, and much discussion took place between the two governments on the subject; and that, for more than 10 years however, nothing effectual was done, and, during this lapse of time, debts originally good became bad, many of the debtors disappeared, and legal evidence became daily less attainable to support even such proceedings as had been evasively permitted in the American courts on the remonstrances of his Majesty's government, but at length the complaints of his Majesty's subjects, and the encreasing losses they sustained, were taken into full consideration, and a very elaborate article was concluded, which formed the sixth in the treaty of Amity, Commerce, and Navigation, concluded between his Majesty and the United States of America in the year 1794, and by which it was agreed, That the United States should make full and complete compensation to the British creditors for the losses and damages which they had sustained by the operation of various lawful impediments to the recovery of their debts from the citizens or inhabitants of the United States since the peace; and that for the purpose of ascertaining the amount of such losses and damages, five commissioners should be appointed, two by each of the contracting parties, and the fifth by those four, three of whom were to constitute a board with full power, provided one commissioner on each side and the fifth commissioner should be present; and that all decisions should be made by the majority of the commissioners present, and their award be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the creditor, and the United States undertook to cause the sums awarded to be paid to the creditors in specie without deduction; and that in May 1797, the commissioners appointed for that purpose having met at Philadelphia, proceeded in the execution of this article, and the claimants not only prepared their several claims and statements, including many thousands of debts and different transactions, with the evidence to be adduced in support of them, but they also sent agents to attend at Philadelphia before the board and to assist the general agent, who had been appointed under the authority of his Majesty's government to direct their proceedings; but this solemn article of treaty, with all that had been done under it; was, after a great expence of time money and labour, at once defeated by the conduct of the two commissioners appointed by the United States, for as soon as the discussions had arrived at that maturity which admitted of conclusive determinations on leading points, the commissioners appointed on the part of the United States on every occasion where those appointed by his Majesty and the fifth commissioner were ready to give an opinion and come to a vote different from theirs, or rather (as they expressed it), 'inconsistent with the interests of the United States,' withdrew from the board, and at length refused to give their attendance upon any occasion, except on condition that the opinions prescribed by them on the points in question should be the rule, and thus the proceedings of this board came to nothing; and the petitioners, thus sorely disappointed and aggrieved, complained, through the proper channels, to his Majesty's government, by whom the extreme hardship of their case, and the injury they had sustained, were fully acknowledged; and the petitioners humbly conceive, that what thus took place in America amounted to a direct and positive breach of treaty on the part of the United States, for which his Majesty's government had a right to insist on ample satisfaction, such as would have included a full indemnification to his Majesty's injured subjects; and, although it was in the power of government to dispense with that satisfaction, either in whole or in part, and either altogether to sacrifice, or partially to give up, the private rights of the individuals, on such grounds of general policy or expediency, as in their wisdom should appear to be best for the interests of the empire at large; yet the petitioners humbly submit, that the general good ought not, in justice, to be purchased at their private expence; but they are entitled to receive, from the empire at large, such indemnification as will place them on a footing of equality with their fellow subjects; and that, after some delay, a negociation was entered upon at London, on this important subject, and, if his Majesty's government had thought it expedient to insist on full satisfaction, the petitioners would, of course, have been called upon for that purpose, to state, and, in some satisfactory manner, to make out their respective losses; but, as they were not called upon to do this, it appeared that his Majesty's government thought it expedient, for the general good, to dispense

Digitized by Google

with the full satisfaction to which they were entitled, and at once to put an end to a negociation in its nature productive of irritation between the two nations, by accepting of such a sum of money from the United States as could be obtained from them in an amicable manner; and that a convention between his Majesty and the United States was accordingly concluded on the 8th of January 1802, whereby it was agreed to, and concluded by the respective plenipotentiaries, that, in satisfaction and discharge of the money which the United States might have been liable to pay, in pursuance of the provisions of the sixth article of the treaty of Amity, Commerce and Navigation, the United States engaged to pay, and his Majesty consented to accept, for the use of the persons described in the said sixth article, the sum of 600,000*l.* payable in the manner therein mentioned; and that the petitioners presented their protest against being considered as acquiescing in the sum so accepted by his Majesty's government as a full compensation for their claims, and were thereupon advised that they could not, with propriety, urge any further claim at that moment, nor until the precise amount of their losses, and of the compensation to which they might have been entitled under the said sixth article, should be actually ascertained by the result of the inquiry which was then about to be instituted by government; and that a board of three commissioners was accordingly established, first in the year 1802 by a provisional authority, with a view to a commission from his Majesty, and afterwards by the act of parliament before-mentioned, which created a special jurisdiction for investigating and finally deciding on the amount of losses sustained by the persons described in the said sixth article of the treaty of 1794, and for the apportionment or distribution of the money agreed to be paid by the United States according to the decisions to be so given on the merits of the respective claims; and that, by the said act, after reciting the convention, and that "it was expedient that commissioners should be appointed for the apportioning, dividing or distributing such sum of money amongst the several persons who should by such commissioners be found entitled to receive compensation out of the same, in proportion to their several and respective claims, so far as the same should by such commissioners be approved or adjudged to be good: it was enacted, that Thomas Macdonald, esq., Henry Pye Rich, esq., and John Guillemard, esq. should be; and they were thereby, constituted and appointed commissioners for the purposes aforesaid; and that the adjudication of such commissioners, or any two of them, as to all claims made for compensation out of such money, and also as to the apportionment and distribution thereof as aforesaid, should be final and conclusive;" the time of presenting claims being limited to the 1st of June 1804; and that claims having been preferred under this act to the amount, including interest to the 1st of June 1804, of 5,408,766*l.* 0*s.* 6*d.* sterling, and adjudications or decisions having from time to time been made either for or against claimants, the conclusion of the whole, so far as regarded the determination on the merits of the claims, was, that claims were established to the full satisfaction of the commissioners, and finally adjudged good and allowed by them, to the amount of 1,420,000*l.* which was announced in a general order of the commissioners, dated the 20th of May 1811, stating that 1,420,000*l.* of the claims preferred to them under the act, had been adjudged by them to be good, in proportion to which sum they were ready to divide what remained, (after deducting the payments already made of 659,493*l.* being the amount with interest of the divisible fund); and that the petitioners, without referring to the great expence, loss and inconvenience which they have, during the course of so many years, sustained, humbly submit to the House that they are entitled, according to the several adjudications in their favour, to receive respectively from parliament, to the amount of the difference between the above sum of 1,420,000*l.* the amount of their adjudged claims, and the said sum of 659,493*l.* which the said commissioners have so distributed, together with interest upon the amount of their several adjudications from the said 1st of June 1804, being the time to which the claims before the commissioners were made up; and praying the House will be pleased to take their case into its serious consideration, and grant them such relief as to the justice and wisdom of the House shall appear equitable and proper."

Ordered, to lie upon the table.

DISTILLERY BILL.] Mr. *Lushington* brought up the Report of the Distillery

Digitized by Google

Bill. On the question, that the Report be now agreed to,

Sir *John Newport* said, that he regretted not having at an earlier period called the attention of the House to this subject: he did not mean now to discuss the question at large, of the policy of suspending the distillation from grain, as he supposed that those officers whose duty it was to advise the crown, were better informed than he could possibly be respecting the necessity or expediency of such a measure. He entreated the House to weigh well the nature of a measure which went to prohibit the intercourse between the two islands forming the United Kingdoms; and he referred to the 6th article of the act of Union, by which it was declared that no bounty or prohibition should exist between the two kingdoms. If, however, it was necessary that this article should be altered, it should at least be done with all the mature deliberation of legislative interference; but he thought the principle one replete with danger to the interests of Ireland, because it was capable of being extended beyond the present occasion, and therefore it should be the more cautiously adopted. If, for example, (and he was aware that what he was about to state was an extreme case), it should be judged expedient to suppress for a time the linen manufactory in Great Britain, then, proceeding upon a principle similar to the one now about to be adopted, all importation of linen from Ireland would be prohibited. He lamented that the general interests of Ireland were so neglected in that House; it exemplified the old proverb, that the weakest must go to the wall. It behoved the House, then, to guard against such misconceptions, and to recollect, that of 658 legislators, there were but 100 for Ireland. He knew and respected and valued, a large portion of those 558 members, who represented the other portions of the United Kingdom, but it was natural that they should have prejudices in favour of the interests of that part which they belonged to; and that impression was infinitely stronger out of doors. It was singular that the distilleries should have been a subject of animadversion ever since the Union, at which time it was alleged, that the benefits resulting from the produce of the Irish distilleries finding their way here, constituted one branch of the advantages which were to be derived to Ireland from that measure. It appeared, on examination, that the schedule and the enactment were at variance; and in 1806 the difficulty was felt, when the Scotch distillers carried their spirits to the Irish market. This was contrary to the act, but it agreed with the schedule; and a committee was appointed to examine into the matter, and apply a remedy, while, in the interim, a suspension of intercourse was enacted for six weeks. A dissolution, however, took place, the committee broke up, and the matter was neglected. The first act of the ensuing session was to continue the suspension for one year; from that time there had been further continuances, and it was now proposed that the exportation of spirits from Ireland should be prohibited, not for the purpose of inquiry, but to continue so long as the prohibition of distillation from grain continued here. He felt himself bound to make these observations, from a firm conviction that he was doing his duty, and he warned the House of the consequences which must ensue, if this matter remained unexplained, and if the practice continued to go on without the adoption of any remedy. He would sit down with observing, that among the few advantages which Ireland was promised from the Union, was this of her distilleries, and it certainly was not just that her hopes should be frustrated by legislative interposition; and when he said that this advantage was in the contemplation of the act of Union, he had the authority of a noble lord, who stated, over and over, that Mr. Pitt said that the advantages which would accrue to Ireland from the introduction of the produce of her distilleries into England, would compensate for any other disadvantage.

The *Chancellor of the Exchequer* observed, that before he offered any remarks on what had fallen from the right hon. baronet, he should wish to hear any other observations that might be made, in order to embrace the whole at one view.

Mr. *Sinclair* said, that he rose for the purpose of submitting to the House a few observations on the subject of this measure in as far as it affected Scotland; as it appeared to him calculated to be essentially injurious to the agricultural interests of that country. The lamentable deficiency of the crop, which had unfortunately pervaded the greater part of the kingdom, was not the only evil of which the farmer had to complain—a considerable proportion of the barley and oats which had not

Digitized by Google

been entirely destroyed, was so much damaged, by the incessant rains which ensued about the time of the harvest, as to be almost, if not altogether, unfit for any other purpose than that of distillation; so that if this measure of substituting sugar for grain in the distilleries, should meet with the sanction of the House, the greater part of the crop would remain altogether unsaleable on the hands of the grower, or would necessarily be disposed of at a price, below even its comparative value. In addition to this circumstance, it was computed, that no less than 6000 head of cattle were annually fattened for the market from the offals of the grain which was used in the distilleries; and if this supply of food was unexpectedly withdrawn from them (more especially at so inclement a period of the season) a considerable number of these cattle must be brought to market before they were sufficiently fattened for the consumption of the public; or at least it will be found very difficult, if not impossible, to procure sufficient pasture for their subsistence, by either of which alternatives the owner must be seriously affected.—Such was the mode in which this measure would be injurious to most of the farmers in Scotland, one of the most useful, patriotic, and industrious classes of the community. It already required all that energy, all that economy, and all that public spirit for which they had ever been conspicuous, not only to enable them to submit without repining to the pressure of the times, but even, by dint of every exertion in their power, to find the means of satisfying the exorbitant demands of the tax-gatherer. Such a measure as the present could not fail at this moment to be peculiarly discouraging; and, if persevered in, would not only materially affect the landed interest of Scotland as well as the farmers, by occasioning a considerable fall in the rents, but would also be eventually injurious to the public, from the great diminution in the Property Tax which would necessarily ensue, if the income of the landlord and tenant in Scotland were to be curtailed, by so considerably lowering the value of the produce of the country. Well might the farmers complain, if, when the inclemency of the season had deprived them of the one half of their crop, the legislature, instead of adopting any measure for their relief, passed an act of parliament, by which the greater part of the remaining half was rendered unsaleable. The hon. gentleman concluded by saying, that the Bill appeared very objectionable to him in many other respects, but that he should not trouble the House for the present, with any further observations on the subject.

Sir *George Clerke* proposed to introduce a clause into the Bill, which should have for its object to prevent the English distillers from defrauding the revenue, by compelling them, under a penalty of 100*l.* to let their spirits run immediately from the still into a cask or vessel capable of holding as much spirit as could be distilled from a given quantity of sugar wash. Previously, however, to proposing this clause, the hon. baronet entered into some minute particulars, shewing that the declaration of an eminent distiller before the committee, that from a hundred gallons of sugar wash only twenty one gallons of spirit could be distilled, was erroneous, and that he believed 100 gallons of sugar wash would produce 24 gallons of spirit; if so, the duties charged upon the sugar wash were evaded to a certain degree, and the English distiller paid a duty (supposing him to obtain 24 gallons of spirit from 100 gallons of sugar wash) of only 6*s.* 10*d.* ½ while the Scotch distiller paid one of 7*s.* 10*d.* ½. He proposed, therefore, that the 7th sect. of the 39th Geo. 3 should be so amended as to place the distillers of England and Scotland upon the same footing.

The *Speaker* informed the hon. baronet that his amendment and clause would be more properly discussed at a future stage of the bill.

The *Chancellor of the Exchequer* observed, that the proposition of the hon. baronet would have been more regular at another stage, but as the House was acquainted with his arguments, he would take notice of them now. The question to which he alluded had been a subject of long and deliberate consideration, and though there was something very deserving of attention in what had fallen from the hon. baronet, though he concurred with him in thinking that it would be extremely desirable to have the duty simplified, he thought it unwise to embarrass a temporary system without full and deliberate consideration; and with respect to what had fallen from the hon. gentleman (Mr. Sinclair), he could assure him that he had received more applications from Scotland for the adoption of this measure, than from any other part of the united kingdom. He felt indebted to the right hon. baronet (sir J. Newport) for the manner

Digitized by Google

in which he had proposed his objections, which did not go to obstruct the present measure, but to establish a less injurious system. He hoped, however, that his apprehensions were unfounded; whatever inaccuracy there had been in framing the act of Union, was a drawback on its advantages, and so much had this been felt, that the original application proceeded from the inconvenience felt by Scotland importing into Ireland. It did not originate in the desire of England, but in the desire of the united kingdom, to remedy an inconvenience which pressed too severely on Ireland. The right hon. gentleman then commented on the extreme case quoted by the right hon. baronet, and confessed, that he should have expected a less extravagant one. He did not conceive how it could apply in the present case, as it could only happen in the total prohibition of the use of linen, and the substitution of cotton. With regard to the prohibition of distilling from grain, he confessed that it would be extremely impolitic to extend that prohibition to Ireland; but while the English market was prevented from being supplied with spirits distilled from grain, it would not do to let it be affected by spirit imported from a country where grain was permitted to be used in the distilleries.

Mr. *Hutchinson* said, that the right hon. gentleman had answered the illustration of his right hon. friend by calling it extravagant; but the House would do well to recollect that king William had declared his intention to do all in his power to destroy one of the manufactures of Ireland: this was recorded as an historical fact, and even if it did not exist, he conceived that it was right to argue upon the most extravagant suppositions, and upon the broadest principle, on a question like the present. There was experience of what had been done, and it was not many years since the table of that House was crowded with Petitions, when it was proposed to extend a small part of the African trade to Ireland. The right hon. gentleman might smile, but it was nevertheless true, that violent remonstrances were made in the year 1782, and particularly by the city of Glasgow, against this advantage being conceded to Ireland. It was not a fact that the suspension took place in 1806 to guard against the Scotch distillers—it was to benefit the English revenue—it was because the Scotch distillers exported their spirits to Ireland, and not only injured the Irish distillers, but the English revenue. This was a subject of vital importance, and he had invariably resisted the suspension of the intercourse between the two countries: and though it might be acceded to by the Irish distillers, under particular circumstances, yet it violated the terms of the Union, which was enacted on the broad principle of free trade, on equal duty or no duty; and though it might be judged right to suspend the distillation from corn in England, still the right of the Irish distiller to export his spirits remained unimpaired. If the principle of the present Bill was recognised, the Chancellor of the Exchequer might, to-morrow, ruin every species of manufacture. He maintained that every attempt had been made by that House to deprive Ireland of all her advantages. It was of this that Ireland complained. Immediately after the Union, it was discovered by the British minister that Ireland possessed a great benefit in the bounty upon large stills. Accordingly this it was deprived of. Then the Suspension Bill was enacted, which, he repeated, was a direct violation of the act of Union. It was done under pretence of relieving Ireland? Had it relieved Ireland? No. The present Bill was one that ought not to be resorted to without the most urgent necessity; and he concluded by exhorting the minister to endeavour, by conciliating America, to open again a source from whence we could derive those supplies of grain which had always been found so needful to this country.

Sir *J. Newport* repeated, that the measure of suspension in 1806 was not adopted in consequence of remonstrances from Ireland, but in consequence of the danger apprehended to the English revenue from the Scotch distilleries.

Mr. *Herbert* thought the two countries should go hand in hand, and spoke shortly in favour of the measure.

The Amendments made in the Committee were agreed to, the clause proposed by sir G. Clerke was negatived, and the bill ordered to be read a third time to-morrow.

HOUSE OF COMMONS.

Thursday, January 23.

CHANCERY CLERKS' PETITION.] A Petition of several of the Clerks in the Office of the Accountant General of the High Court of Chancery, was presented and read; reciting an act of 46 Geo. 3. to

Digitized by Google

provide additional Salaries to the present clerks in the office of the Accountant General of the high Court of Chancery, and to provide additional clerks for the said office with salaries, and to make other payments in respect of the said office; and setting forth, "That certain provision was thereby made for the petitioners and their successors, clerks in the said office, by way of increase to their salaries during so long as they should continue as clerks in the said office; and that since the passing of the said act the business of the said accountant general's office is greatly increased and is annually increasing; and that owing to the great increase in the necessary expences of living, the incomes provided by the said act for the petitioners are greatly reduced in value, and the petitioners have not the means of making any provision for their families thereout; and they respectfully submit, that after a long series of years spent in the service of the suitors of the Court of Chancery, and considering the care, diligence, and anxious application which the duties of the said office impose upon the petitioners, it is not unreasonable for them to expect that such provision ought to be made for them; and that the legislature hath in various instances, in the cases of persons employed in the public service, made provision for them after a certain stated length of service, to enable them to retire from their offices with a decent provision in their old age: and that it is highly expedient, and for the benefit of the suitors of the Court of Chancery, that the clerks in the accountant general's office should be active and efficient for all the purposes of a business of so complicated a nature; and (generally speaking) a person in advanced years and declining health is not equal to the constant attention and exertion requisite to do the business of that office; and praying, that leave may be given to bring in a bill, authorising the high Court of Chancery, out of the monies standing in the accountant general's name, which have been placed out for the benefit and better security of the suitors of the said Court, and of the interest arising therefrom, commonly called the Suitors' Fund, to order that there shall be paid to the petitioners or any future clerks in the said accountant general's office, who shall petition the said court for leave to retire from the said office after thirty years service therein, an annual payment not exceeding the salary to which such clerks shall be entitled at the time of such application; and that in cases of incapacity through permanent illness or infirmity, that the said Court of Chancery may have the power, after fifteen years service, to enable any of the clerks in the said office to retire therefrom upon such annual payment out of the said fund as the said Court shall think fit and see occasion for, not exceeding the salary to which such clerk shall be entitled at the time of such application."—Ordered to be referred to a Committee.

MOTION FOR A LETTER FROM THE DUKE OF CAMBRIDGE TO THE COMMANDER IN CHIEF.] Lord *Cochrane* rose and said: Sir, I would have given a shorter notice of the present motion, had I not expected to have been called out of town on business of private importance. However, it is not too late to gratify those who wish well to their country by making them to participate in the feelings of one who has acted disinterestedly for the public good. I allude to his royal highness the duke of Cambridge, who with truly patriotic magnanimity, has relinquished a lucrative command which, in the opinion of his Royal Highness, had dwindled into an office nearly resembling a sinecure.—This, Sir, is a practical instance of reform, proceeding from the source whence alone it can arise without endangering, at first, the further derangement of our constitution.—Besides the noble precedent thus established by his Royal Highness, which will be followed by those who regard the happiness of their native land, the relief actually afforded is equal to all the taxes levied on 1,000 of his Majesty's subjects; for if I am rightly informed, the emoluments were 4,200*l.* a year, and the maintenance of twenty horses.—I am desirous to abstain from remarks which may lead to a discussion on Sinecures, or give those who may have an interest in concealing the example of his Royal Highness the slightest pretext to pervert my meaning; which I beg the House clearly to understand, is to place a Resolution on the Journals expressive of its opinion of this disinterested and truly noble act of his Royal Highness, and this I consider to be the more proper, as the motives and even the relinquishment of the office, withheld from the Gazette, have not appeared in any official form. I shall therefore move, "That there be laid before this

Digitized by Google

House a copy of the Letter of his royal highness the duke of Cambridge, tendering his resignation of the Home District, and of the reply by order of his Royal Highness the Commander in Chief to the same."

Lord *Palmerston* submitted to the House whether the noble lord had made out any ground for his motion. He had no hesitation in stating, that if the Letters alluded to were produced, they would be found to contain nothing but a simple resignation on the part of the duke of Cambridge, and a formal acceptance on the part of the Commander in Chief. Conceiving, as he did, that no ground was made out, he should certainly resist the motion.

Lord *Cochrane* said he did not move for the papers from an idea that they contained any thing of importance, but merely for the purpose of grounding a Resolution upon them.

The motion was then rejected without a division.

INFERIOR ECCLESIASTICAL COURTS.] The clerk, on the motion of lord Folkestone, having read the Petition of Mary Ann Dix, (see p. 99.)

Lord *Folkestone* said, that it was not because his motion would be confined to the mere case of the Petitioner, that he had requested the Petition they had just heard to be read, but in order to open to the consideration of the House the nature and intent of the abuses to which he now rose to call their attention. When he first read the Petitioner's statement of the difficulties and grievous hardships to which she had been exposed, he did not think that they made a fit case to bring before parliament; because he could not believe it possible, that the laws of the country were inadequate to the remedy of evils so oppressive and unjust. When, however, upon further enquiry, he found that there was actually no remedy whatever, he was induced to examine into the nature, origin, and general history of the Ecclesiastical Jurisdictions, and the result of that enquiry impressed him with a conviction of the necessity of parliamentary interposition to rescue the subject from their unconstitutional and exorbitant power. It was because he thus found that abuses existed in the Ecclesiastical Courts, which had elsewhere no remedy, that he was induced to extend his motion beyond the particular case of the petitioner; and lest the House should think that he did not submit sufficient reasons for this extension of it, he begged to state the origin and history of Ecclesiastical Jurisdiction in this country, and its state at present. In tracing the Ecclesiastical Jurisdiction to its origin, the noble lord did not think it necessary to go higher than the time immediately preceding the Conquest. At that early period of our history, the ecclesiastical and temporal power went hand in hand. The bishops and barons sat in the same hundreds and councils together. William the conqueror, however, no sooner had the power, than he separated the spiritual and temporal jurisdictions from one another. Whether that monarch thus acted from the love of adopting the fashions of his own country, as mentioned in the old chronicles of Henry the first, or whether he wished to get rid of the Trial by Jury, that valuable remnant of gothic jurisprudence, he would not attempt to decide; but certain it was, that the first difference between the spiritual and temporal jurisdiction was established by William the first. It was he who laid the foundation of that power which afterwards rose to such enormous and fearful magnitude; and he was confident that in thus stating the origin of the Ecclesiastical Jurisdiction of which he now complained, he was not enlisting the prepossessions of the House in its favour. The origin, in fact, of this separate Ecclesiastical Jurisdiction was in the effort of a successful invader of this country to put down its ancient civil institutions.—In the reign succeeding that of William the first, these courts from various causes obtained no great additional support; but as the clergy of those days well knew how to improve any footing they got, it must be supposed, though history did not render it apparent, that they continued to encroach and acquire strength. This appeared to be the case, as even in the vigorous reign of Henry 2, they had become so powerful, that the archbishop of Canterbury told the king of the abridgement of his power of nomination to benefices, the Pope having taken that privilege from all laymen. After this period, followed the troubles which harrassed the land, during which the clergy were not idle, and continued systematically to encroach upon the other authorities of the state. Indeed, they never failed to take advantage of all troublesome times to press their own purposes, and push forward in the acquisition of

Digitized by Google

power. In 1141 they were so strong as to hold a council for the purpose of placing the empress Maude on the throne, and Henry 2, after a long but ineffectual struggle, was compelled to submit to the haughty impositions of Thomas-à-Becket. That king was forced to sign six articles before he could make his peace with the church, by one of which it was conceded, that a layman breaking the peace against an ecclesiastic, should be tried by the bishop; and by another, that no ecclesiastic should be amenable to the temporal power. The power of the clergy, and of their courts, continued to increase during the military reign of Richard 1, and in that of king John, had risen to such a pitch, that the king himself was forced to surrender his crown into the hands of a priest, and accept it as a grant from the ecclesiastical power. Thus, for a long series of years, he had traced these Courts, always on the watch for means to increase their authority. Yet even in the worst periods of our history, they never were favourably received by the legislature, or amalgamated with the feelings of the people. They were always remonstrated against, and many endeavours were made to put a restraint upon them. The temporal courts unceasingly opposed their encroachments, and as favourable circumstances occurred, in some small measure curbed their ambition. The most enlightened lawyers saw their ill tendency, and tried to guard against them. Lord Coke was of opinion, that they had encroached on the temporal courts; and in the reign of Edward 1, an act was passed for limiting their powers. Again, in the reigns of Edward 3, and Richard 2, it was found necessary to restrain them, and the two famous acts for that purpose were passed into laws: yet they were always gaining strength when wars or intestine broils agitated the country, and left them an opportunity of pressing forward. Thus, in the reign of Henry 4, they had acquired such potency, that the king and clergy overpowered the parliament. When the first seeds of the Reformation were sown by the Wickliffites and Lollards, it was deemed necessary to pursue some measures to keep within bounds their overgrown power, and many fluctuations ensued. They were sometimes curtailed and sometimes acquired force by different alterations in the state of the kingdom, and as opportunities offered for abridging their authority or favourable to the accomplishment of their views. This was the state of the case in the reigns of Henry 7, and 8. During the former, a circumstance occurred which, as lord Bacon stated, led to what happened in the time of Henry 8. In consequence of a dispute in the ecclesiastical courts and parliament, an act was passed to make the clergy responsible to the temporal courts. On this, the dean of Winchester preached a sermon in the cathedral church of St. Paul, in which he declared, that all those concerned in passing the act were enemies to the church. Not content with this, he published a book on the same subject. These proceedings enraged parliament, and Henry 8 taking part with them, the temporal courts at last prevailed. A few years after, the king recommended an inquiry into the abuses existing in these courts, and this led to the act against the non-residence of the clergy. The divorce of the queen, and other measures connected with the ecclesiastical history of this celebrated reign, were too well known to the House to require a comment. During the earliest progress of the Reformation, commissioners were appointed to draw up a code of ecclesiastical laws for the regulation of these courts. Archbishop Cranmer, with that zeal which distinguished all his efforts in the cause of reform, made an extract of their canons to shew the necessity of this alteration; but, notwithstanding all this, nothing was done at that time or since. These canons, so exposed, remained still in force, and Cranmer's plan and regulations never being sanctioned, had become a dead letter. Of these regulations he might here notice, there were in number fifty-one, and one of them went to remedy the very point of which the Petition complained, namely, that relating to excommunications.—In the 5th year of queen Elizabeth, the control and superintendance of the ecclesiastical courts were vested in commissioners, and during the whole of that reign there was an invariable and universal system pursued for restraining their powers; but all the authority of the queen, and all the ability of the high court of commissioners, seemed to have been insufficient to accomplish that purpose. Early in the reign of James 1, that monarch had entered into a literary controversy on the subject, and canons for their government were framed, but never having been confirmed, they also dropped to the ground. In the time of James 2,

Digitized by Google

an attempt was made to renew the ecclesiastical commission; but, as before, nothing was done. The same remark applied to the reign of William 3, when the commissioners were appointed; but the high church party ultimately prevailed, and all reformation was prevented. Nothing was accomplished, and the only acts that had been passed since relative to the subject were those of the 26th George 2, and 27th George 3. From this the House would see, that since the period of the Reformation no progress had been made in amending the constitution of courts which, during the whole course of the English history, had been viewed with well-founded jealousy, and thought worthy the interference of the legislature to impose restraints upon their accumulating power, and to rectify the abuses in which they abounded. Their canons were still the same as by the act of Henry 8, and no authority prevented their acting upon the oldest and most tyrannical ordinances that ever were framed in times of the most bitter bigotry.—Turning to the consideration of these courts, as now constituted, though he was ready to acknowledge that many of those who presided in them were men of great legal talent and ability (some of whom he now saw in the House), and every way qualified for the situation they held; yet, on the other hand, he was bold to say, there were also many of no legal habits or ability, at the head of courts, who were utterly incompetent to discharge their duties. Some of them had their doctor's degree conferred on them for no other purpose but to be rendered thus eligible to a situation for which, in every other respect, they were entirely unfit.—The noble lord then took a review of the Petition of Mary Ann Dix, and noticed that the ecclesiastical courts had only one mode of punishment, that of excommunication, which by the 5th of Elizabeth, could be followed up by imprisonment. From what he had stated, he inferred that a power so great ought not to be entrusted to such hands. But there were many other circumstances connected with those courts which required reformation.—Their charges were exorbitant and intolerable, and the fees for contempt and attachment more grievous and burthensome than those of the highest civil court in the kingdom. To support these opinions, he would quote the case of a woman of the name of Robinson, who did not appear on being cited. Upon this she was excommunicated, and subsequently imprisoned: and before she could obtain her release, which was after a confinement of three years and a half, was obliged to pay all costs, amounting to 11*l.* 12*s.* As he was adverting so much to excommunication, perhaps it would be as well to tell gentlemen, who might not be apprized of its consequences, to what extent it went. Excommunication cut a person off from all civil rights; they were looked on as heathens and publicans; they could succeed to no inheritance, as they could bring no action: they were not competent to be jurors or witnesses in a court of law: and, if they died, they were not entitled to christian burial. Such were the evils attendant upon a sentence of excommunication. He had further to notice a singular, and, in his mind, a very reprehensible circumstance, connected with the case of Robinson. The name of the sheriff of Bristol was scratched out of her commitment, and that of the sheriff of Gloucestershire inserted in its stead. This was a very dangerous, and apparently, illegal act; and the poor woman was thereupon imprisoned in Gloucestershire, instead of Bristol, where she was excommunicated.—There were a number of other cases, which he could cite in proof of these grievances and abuses, all of which he was prepared to authenticate at the bar of the House. Among others, he would notice that of John Williams, a labouring man, excommunicated for not appearing to a citation for 17*s.*, a rate imposed for the enlargement of the church-yard: also the case of a man of the name of Robins, for non-payment of tithes, to the amount of less than 40*s.* against whom, therefore, a summary remedy might have been had; but, instead of this, the cause was carried into the ecclesiastical court. This man had put his cause into the hands of a proctor, who, not appearing in court, was declared to be contumaceous, and his client, through him, to be contumaceous; who was thereupon excommunicated, and imprisoned for months, till liberated, on payment of 35*l.* costs.—Another man, Thomas Lewis, was excommunicated for contumacy, in not putting in a written answer to a libel charging him with 5 or 6*s.* for some purpose or other. This man was a pauper, and could neither write himself, or pay any one for writing for him; and yet he was in gaol for three years, until he was discharged under the Lords' Act. On these cases he put it to the House to say, if it was fit and right that such of-

Digitized by Google

fences should be so punished? The fines in these courts far exceeded the fines in the high court of chancery, and the expences were not only large, but uncertain, and uncertainty was one of the greatest evils in law. In similar cases, where the parties were punished for not appearing, they amounted in one instance (Robinson's) to 11*l.* 12*s.* and in another to 26*l.*; and, indeed, the only purpose of these excommunications and imprisonments seemed to be, the extortion of exorbitant fees. One person for contempt, in not doing penance, was fined in costs 10*l.* 5*s.* A man and his wife, cited for the same offence, came off for the payment, the former of 27*l.* and the latter of 24*l.* In another case, for defamation, the costs amounted to 56*l.* It was evident, therefore, that it was not the correction of morals, but the payment of costs, which led to these proceedings. Nor was this a new doctrine, for these were the old charges urged against these courts; their excommunications for trifling offences and commutations of penances. The latter, indeed, did not now exist, but all the evils of the former, as he had sufficiently shewn, remained in full force. Mr. Justice Blackstone, among others, noticed their extraordinary bartering of justice, and had remarked that, in all their acts, they proceeded on the principle, that poverty was the best medicine for the soul.—The noble lord said, it was needless to swell his list of cases. He knew of persons who had been excommunicated for not performing penance, and who afterwards were discharged on paying costs, without a retrospect to the punishment to which they were originally sentenced. In the distant courts, no attention was even paid to the absolution of souls, nor did it seem that they were aware even that such a process was required. It was evident, however, that the same publicity given to the excommunication, ought to be given to the absolution. This his lordship had no doubt was to be attributed to the ignorance of those persons as to what was their duty; but still the effect of it was such as the House was called on to check. With regard to the case of Mary Ann Dix, on which he had grounded his present application to the House, it was to be observed, that she was a minor. This defect, however, it might be alleged, had been cured by her appearance. That non-appearance was a crime of a very deadly dye, he found, from recurring to a case where a person, for not appearing to a citation, had been confined for three years and a half. Under the civil law, however, he understood, a person who was a minor was not liable to be sued, and was not even liable in costs. So futile even was it held to sue a minor in an ecclesiastical court, that he found an instance where it was held, that a person called on to appear for accusing another of cruelty and adultery, could not be compelled to appear in respect of minority. This being so, he could hardly think that a case could be conceived in which a minor could be rendered answerable in a civil law court. There was another great irregularity in this case of Mary Ann Dix. She was directed to do penance generally, but she was not told in what respect she was to do it; and her mother applied again and again to be informed in what manner her daughter should purge herself; but this information was denied her.—The noble lord said he could mention other cases where proceedings had been held in some of these inferior ecclesiastical jurisdictions, even after prohibitions of the court of King's-Bench. But if courts could so proceed, ought not a stop to be put to their acting, and to the grievances thence arising? There was a particular class of cases peculiarly deserving of attention, and of every degree of reprehension with which the House could regard them—he meant defamatory causes, which were often brought for the gratification of the worst passions of the human mind—malice and revenge. He referred to the case of a woman, who having been sued for defaming the character of a person notorious for keeping a house of bad fame, the judge of the court where the cause was brought, on the narrative that he had to provide *pro salute animæ*, and having the fear of God before his eyes, ordered the defendant to declare that she had been guilty of an infamous calumny, and that the party injured was restored to her fair fame. Yet, by such decisions as these, were persons of the description alluded to supported. His lordship was aware he had not done justice to the cause he had espoused; but even those facts which he had stated, he presumed to think, were sufficient to ground him in moving for the inquiry which he was now about to propose. At the time of the Reformation it was allowed that something ought to be done on this subject, and bishop Cranmer wrote a book to that effect. Nothing however had since that time been

Digitized by Google

done, and he hoped the House would now make a beginning by agreeing to his present motion. The noble lord concluded with moving, "That a Committee be appointed to enquire into the state of the jurisdiction of the inferior Ecclesiastical Courts, and to consider whether any reformation is necessary to be made therein, and to report their opinion to the House."

The Hon. *William Herbert* observed, that the statement of his noble friend pointed out many radical objections to the state of the law, but not to the administration of it as practised in the court, over which a learned judge, whom he had now in his view, presided. He agreed that it would be desirable that the law should not continue as it was, in many of the respects alluded to by his noble friend. But still, such was the law, and an inquiry into the proceedings of inferior ecclesiastical courts would not have the effect of doing away the evil. The evils complained of in a great measure arose from the jealousy of the courts of common law, in regard to the proceedings of the ecclesiastical courts, which compelled them to have recourse to a circuitous mode of giving effect to their decisions. If the ecclesiastical courts had proper authority to enforce their decisions, the expences would be small, and the effects of their sentences would be infinitely less burdensome than they were now felt to be. By the act of the 5th Elizabeth, the writ 'de excommunicato capiendo' was first returnable to the court of King's Bench: this caused an additional expence. The fact was then certified to the ecclesiastical court, and then a writ for the delivery of the party arrested into the hands of the ecclesiastical tribunal was issued. Thus the anxiety which the courts of common law felt for the liberty of the subject, as far as the ecclesiastical courts were concerned, enhanced the matter of costs, and produced an evil very inadequate to the original offence. It appeared to him to be desirable that this law, as it now stood, should be reviewed, and also that no person should have any sort of ecclesiastical authority committed to him, who was not fully conversant in ecclesiastical matters. The appointment of a Committee, however, could not give relief in any one of the points to which his noble friend had alluded.—There was one subject to which his noble friend had referred which he confessed seemed to him to be of very great importance; namely, that persons were appointed to exercise ecclesiastical authority in inferior jurisdictions, without possessing the requisite qualifications. The statute required that no Chancellors or other officers of inferior jurisdiction should be appointed, unless they were persons skilled in the civil law, and also in the practice of it. This enactment, however, was not only eluded, but it was expressly disobeyed. He had in his eye an hon. and learned friend of his, who filled the principal judicial situation in our supreme ecclesiastical court (sir William Scott); and he could only say, that if all the ecclesiastical jurisdictions in the kingdom were equally attended to, we should hear of no complaints such as those now stated to the House by the noble lord. The clause in the statute provided, That no person should be qualified for any ecclesiastical office of a judicial nature, unless he were 26 years of age, skilled in the civil and canon laws, and practised in them. This act passed in the year 1603. In the year 1616, a petition was presented to the Archbishop, complaining of the appointment of a son of the then bishop of Landaff to one of these inferior jurisdictions, without his being duly qualified according to law; and on this representation the person objected to was removed. In the year 1625, a similar representation was made as to the son of the bishop of Hereford, who was removed in like manner. An application was some time afterwards made at common law, to remove a person of the name of Sutton, which was refused. But in the reign of king William, on an application made to remove a person of the name of Jones, from one of the inferior ecclesiastical jurisdictions, on the ground of his not being duly qualified, he was accordingly removed. It was obvious, therefore, that the law was at one time strictly acted up to and enforced, and that it was not deemed enough that persons appointed should have practised, but that they should also be skilled in the civil and canon law. It had now, however, become too much the practice for those who had the patent right to such appointments to imagine that they were entitled to appoint their own sons or other relations, without at all regarding their qualifications. This was a matter of great importance, and deserving of being strictly looked into; for, whatever the law was, if it was not duly administered, it was of little moment. A Committee, he was of opinion, could not tend to remedy this evil.

Digitized by Google

Mr. *Grenfell* said, that he had made some inquiry into this business, and understood the surrogates had minutely investigated the conduct of the cause, and had declared that all the proceedings were regular; and that as to the prisoner being a minor, from the contumacy shewn by not appearing to the citation, it was impossible the court could know any thing of it. If she had appeared and pleaded her minority, the court could then have determined on it; but as the matter stood, they knew nothing about it.

Sir *William Scott* said, he could hardly believe, that the noble lord who had brought forward the present question, was himself aware of the nature and effect of the motion he had submitted to the House. He trusted, however, that the House would pause before it agreed to go into an inquiry such as that proposed by the noble lord. Let the House consider what might be the consequences to others of their agreeing to such an inquiry; let them consider the number of persons who must be brought up from different parts of the country to be examined before the Committee, at an expence which their petty emoluments would but ill enable them to discharge; and he was satisfied they would require farther proof of the necessity, and also of the utility of such a Committee before they concurred in the motion of the noble lord for the appointment of it. The House, however, must also feel itself called on in justice to consider that this was a principle which attached to every court, high and low, namely, that every court, however, inferior its jurisdiction might be, was entitled to be held in a decent state of respect, till it was proved to have done something to forfeit its character. When this should be proved, it would be time enough to hold out such jurisdiction to public odium; but till then he could not agree to any such measure as that proposed by the noble lord.—He should not follow the noble lord into those legends of antiquity to which he had had recourse. Many of the cases figured by the noble lord, now no longer existed; and the expences of the proceedings in ecclesiastical courts were not such as he supposed. The points which ecclesiastical courts were called on to decide, however, were not so limited as the noble lord supposed. It was their duty to decide on the matrimonial and testamentary law; on tythes, and on many other of the civil rights of mankind. He should not say that such jurisdiction ought to be conferred on the consistorial courts; but of this he was certain, that for centuries they had enjoyed such a jurisdiction; and that this being the case, that House would not wish, without mature deliberation, to interfere with, far less to overturn them. Our laws, made in barbarous times, and founded on feudal principles, had been improved as we advanced in civilization. So also had our ecclesiastical law been improved, and under the guidance of our courts of common law had approximated to the changes in the situation of the country. It was said, however, that our inferior ecclesiastical jurisdictions had acted improperly in many respects, and for those improper acts they were now, on the complaint of the noble lord, called on to hold up their hand before the bar of the country.—The noble lord had evidently been assisted in drawing up the cases which he had submitted to the House, and he was sorry to say that the information that he appeared to have received, was extremely defective. Out of the multitude of courts that possessed an ecclesiastical jurisdiction, and from the whole extent of its exercise, the noble lord had been able to select only seven instances of what he called abuse or oppression. He had also greatly erred in terming those causes; they were in point of fact merely suits, the ordinary and regular process appointed for all those who claimed legal redress for an illegal wrong. The exchequer court, no more than the ecclesiastical courts, could get rid of the duty of granting this process, or shut their doors against any individual who sought his remedy in the usual forms. Two of the cases adduced by the noble mover respected church rates, but the obligation was the same on the subject in this point, as in the instance of poor-rates. It was equally a just and legal debt in both cases. If in issuing a citation, the person supposed to be the wrong doer, did not chuse to appear, he certainly aggravated his offence, and if appearing to the citation, he should make a dishonest defence, he again added to the causes of his own hardship and suffering. As to the subject of defamation, this was, he felt it right to intimate to the noble lord, the only part of ecclesiastical jurisdiction which he had adverted to, that was connected with the doctrine *de salute animæ*. The noble lord, indeed seemed to have been been instructed very imperfectly, and he believed

Digitized by Google

he was right in saying that his instructor had been a proctor of no great eminence or practice, and whose talents and acquirements, perhaps, did not entitle him to more than he enjoyed. He entertained no doubt of the noble lord's fair intention, but he certainly on this occasion had undertaken to sail under inauspicious convoy. —The peculiar circumstances of this case had been asserted to be extremely severe; but was it not an important consideration, whether or no the characters and reputation of women should be insulted and reviled with impunity, and no protection be afforded by the law? Could any man of ordinary feelings endure that his mother, wife or sister, should be publicly and indecently branded with terms of opprobrium? It was no sufficient justification on any principle of legal analogy, that the offender happened to be a minor. Minors were held responsible for all transgressions against the criminal law. The proceedings in cases of defamation were considered as of a mixed nature, regarding both punishment and reparation. It was what was called 'casus criminalis civiliter intentatus,' but there was no court of law in the country, in which the minority of the wrong-doer would be considered as an excuse. All the hardships which the present petitioner could complain of arose merely from her own contumacy. If she had appeared to the citation, what could she have been sentenced to, except the performance of penance, and the payment of the costs? The penance, inflicted in such cases, was by no means grievous; persons were not asked to go into church in a white sheet, or any thing of that sort; but merely to retire into the vestry-room, and in the presence of two or three of the friends of the injured party, to ask pardon and promise to be more guarded in future. This was certainly no very severe punishment; and as to the costs, they would not have exceeded twenty shillings in the first instance. No punishment could well be conceived lighter for such an offence. The noble lord would give him credit for some experience in his profession, and he could assure him that he had often known the peace of families entirely disturbed, and husbands parted from their wives, merely on account of such expressions used by strangers which the wife could not resolve to bring before the regular tribunals. If parties, by their own contumacy, made it necessary to appeal to the temporal courts, to sanction the decrees of the ecclesiastical courts, they alone were answerable for the increased costs they would be obliged to pay; and it was hard to charge the expence as incidental to the proceedings in the spiritual courts. It certainly happened sometimes, that a person might in some degree deserve the reproaches thrown out against him. A woman might, at some time in her life, have had an accidental failing; and yet that would not give to every person a right to pursue her with reproaches in the public streets to the latest period of her life. It was evident that she was entitled to protection in such cases from the law, and that some moderate punishment ought to be inflicted on the offender. The expences of law proceedings in all courts, had lately been much enhanced by the stamps and duties which the necessities of the state had imposed upon suitors; but unless when the party chose to appear in *formâ pauperis*, the tribunals knew nothing about the circumstances of the litigants, or their comparative wealth or poverty. The cry which had been raised about the expence of the proceedings in the cases alluded to, arose from the length of time which the proceedings lasted, on account of the contumacy of the parties who afterwards complained, and the necessity of appealing to the temporal courts to enforce the sentence of the spiritual courts.—When these circumstances were duly considered, he trusted, that the House would not feel indignation even at finding that parties sometimes were put to considerable expence from persisting in their original injustice. He would allow, that the expence of the law, in many cases, pressed with peculiar hardship on the poor; but still he feared, that this circumstance was inseparable from the condition of human society. At all events, the law must be maintained; the constituted tribunals must enforce submission to their sentences; and persons who were cited to appear before them, must be compelled to obey the summons.—Contemplating the case in all its various bearings, he would ask, where was the necessity which called on the House to saddle itself with an inquiry so extensive, so useless, and so inconvenient to the individuals concerned? He did not pretend to say, that the constitution of these courts might not be improved: in his opinion, a diminution of their number would be of service; but it was not a question which

Digitized by Google

could be discussed at present. As to the particular punishment by excommunication, he would wish some other were substituted in its place; and he believed that was the general wish of those who practised in the ecclesiastical courts. It appeared to him to be quite an abuse of a religious ceremony, and that it would not be difficult to find out a substitute for it which would be more efficacious, less expensive, less oppressive, and less unseemly. It appeared to him, upon the whole, that no case had been made out to call for so serious an enquiry; and he rather feared, that the facility of the noble lord had been imposed upon by malignant representations from other quarters.

Sir *S. Romilly*, in what he was about to say, had not the smallest idea of treating with disrespect those courts which formed the subject matter of discussion; connected as they were with the profession to which he had the honour to belong. But the arguments adduced by the right hon. gentleman had not satisfied his mind of the propriety of refusing all inquiry, nor did he conceive the motion to be of that extensive nature which had been asserted. It was true, the motion was for an inquiry into the state of the inferior Ecclesiastical Courts; and if, in order to satisfy that, it was necessary to examine every court of that description in the kingdom, that each of them was to be investigated, and a report delivered on their respective situation; if that were the case, the duty of the committee would be indeed extensive and laborious. But this was not the fact; nor could it strike any person's mind in that point of view. The business of the committee would be, of course, in the first instance, to investigate the cases immediately before them, to examine the state of the courts out of which they had issued—and not to go through every court in the country. It had been argued, that a very serious case should be established before a court was called upon to hold up its hand, as a culprit, at the bar of public opinion; but, in his opinion, no imputation had been levelled at any court whatever; and, when cases of extreme hardship, for so the right hon. gentleman himself had designated them, were laid before parliament, was it not the duty of the House to see whether they had arisen from a defective state of the law, or from the misconduct of those who administered it? He did not believe that those cases originated in the improper behaviour of any individual, but from the constitution of the Ecclesiastical Courts, and the faulty situation of the law. And what had fallen from the right hon. gentleman on that part of this subject, must have made a great impression on every gentleman who heard him. That right hon. gentleman in the conclusion of his speech had distinctly expressed himself in favour of an alteration of the existing law. The House had heard in what decisive language the present state of that law had been condemned, and he trusted it would be an additional inducement with the House to assent to the motion, that the Committee would enjoy the powerful assistance of the right hon. gentleman in carrying the requisite improvements into effect. There would be then no hazard of any cry of innovation, because the right hon. gentleman was too well known to entertain a sufficient respect for ancient usages, and too warmly to admire established institutions, to be in any danger of meeting that resistance and difficulty, which any attempt at reformation proceeding from himself would probably encounter. The right hon. gentleman was sure of support, and had no obstacles to impede his progress. He hoped the House would not forego the opportunity now presented. This subject had long worn a suspicious aspect. He believed he was correct in stating that no alteration or legislative provision whatever had been enacted with respect to the spiritual courts, since the period of the reformation. What, then, was this sentence of excommunication? It disqualified the party from taking the communion, it deprived him of the rights of Christianity, and incapacitated him either to give evidence, or commence a suit in any court of justice. The wretched woman whose case had been detailed, although not yet an adult, had been confined in jail two years among malefactors, and labouring under all her other misfortunes, was rendered incapable, in the case of violence offered to her person, from prosecuting the violater. Had a murder been committed in her sight, her evidence must have been rejected, and the crime have thus remained unpunished. A person in her situation was deprived of every civil right, and put out of the protection of the law; and the country was deprived of those exertions, and of the performance of those duties, which otherwise it had a right to expect. In ancient times, the most enormous crimes alone were thus

Digitized by Google

visited; but now, by the constitution of those courts, the sentence of excommunication applied to the non-payment of costs, or to the non-appearance of the party cited. This was so gross, that bishop Gibson in his Codex Juris Ecclesiastici Anglicani had complained of it. He observed, that punishing trivial offences in this way had brought the system into great disrepute. It appeared from the Journals of the House of Lords, that, on the 1st of April, 1606, complaint was made of the abuse of this power, in a Message from the king. It was there stated, "that his Majesty was informed of great abuses concerning excommunication granted by ecclesiastical officers, very often upon trivial matters. And though contempts generally of great or less quality, be punishable by the laws of the realm, according to their several natures; yet, considering excommunication is the greatest censure that can be given, his Majesty holds the same unfit to be but in great matters;"* and the Lord Chancellor, the then Attorney General, and Mr. Serjeant Crook, were directed to bring in a bill to rectify the abuse. That bill, however, had either never been prepared, or, if brought in, had never been passed; and those evils which were complained of at that time, by this message, existed at the present moment. But why did they still exist?—why were they not complained of? Because the mischief fell exclusively on persons in the lowest situation of life. No one could dispute that the fair reputation of a woman was justly the subject of legal protection. But the coarse expression of an illiterate and low-bred woman, directed to another in the same line of life, was not fraught with those injurious consequences which the slander of the higher ranks of society, couched in courtly phrase, was likely to produce. Yet, if such a low character dropped an offensive expression, she was hurried to gaol, from whence there was no chance of liberation, except some humane person interfered and paid the costs. —He thought the language of the right hon. gentleman was misplaced, when in adverting to the case stated in the Petition, and looking to the parties connected with the suit, he had spoken in such general terms of female reputation: there was not the least reason to think that any injury would occur to either of the parties in consequence of the coarse and vulgar language they had made use of. The right hon. gentleman had asked, if a woman, at one period of her life, had been guilty of an indiscretion, was she always to be reminded of it? Certainly not. But this did not apply to the case stated in the Petition; for the complaining party was mistress of a house of ill-fame, at the very time the offensive words were spoken; and it was shocking to think that a woman, for applying that name, which the other party seemed to deserve, should pass two years of her existence in a prison. The fine language which the right hon. gentleman had used, did not answer what his noble friend had adduced, but merely glossed the matter over.—It really appeared to him, that the subject called for serious enquiry; and, perhaps, out of the sufferings of those unhappy persons, a great reformation might originate, which would prove a lasting benefit to the country; and certainly it must be a great source of consolation to the public, when persons of the high situation and extensive knowledge of the right hon. gentleman earnestly desired that such a reformation should take place. If an humble individual like himself were to set about a reform of this kind, he would be branded as an innovator. It was not so with the right hon. gentleman; he would have the support of administration in this great work: if, he willed a reformation, it was done. The right hon. gentleman had said, that the Ecclesiastical Courts had not the power of imprisonment by a summary process. He was aware of that; but they had that privilege through the intervention of a court of justice; and they had, at the same time, and by the same process, an opportunity of increasing the expence, and of depriving an individual of every civil right: they had, in fact, the worst possible means of imprisonment. The country was highly indebted to the noble lord for agitating this question, from which he hoped and believed much good would result. The misfortunes of this poor wretched woman might perhaps give rise to an inquiry, for which posterity would ever feel grateful to the noble lord. If they examined the state of those courts, he doubted not the evils complained of would be found to arise from the situation of the law itself, and then they would have the assistance of the right hon. gentleman's

* See Parliamentary History, vol. 1, p. 1067.

Digitized by Google

talents and experience in effecting the reformation. He knew not how it could be said that the inquiry would have the effect of bringing courts of justice into contempt. With as much truth he had heard it said, that a conspiracy existed to bring all the ancient establishments of the country into disrespect. The way to inculcate respect for establishments was, to make them respectable; and, if suspicions were entertained about them (as was evidently the case here), the proper mode was to remove them, if well-founded, by correcting the institution; and, if ill-founded, by examining and stating it to the public. But the worst step that could be pursued was, to shut their eyes and ears against complaints which were substantially brought forward. Under all the circumstances of the case, the motion had his warmest concurrence.

Sir *John Nicholl* defended the conduct of the ecclesiastical court, in the case which gave rise to the motion of the noble lord. It was an ordinary one, and treated in the ordinary manner; a young girl had done an injury to a married woman, by imputing to her a want of chastity; she denied the charge, and was cited to appear before the proper tribunal; she refused to appear, and accordingly a compulsory process was instituted. This was the whole case, and such a one as might occur in any ordinary case, when a person was summoned to appear before a magistrate for killing game unlawfully, when the same consequences would ensue, and might with equal justice appear a sufficient ground for inquiring into the conduct of all the magistrates of the kingdom. The age of the woman whose case was made the subject of complaint was first adverted to, but it was well known that minors were amenable for offences. The noble lord had also complained, that no guardian had been appointed, but the appointment of one could have made no difference in the result. The second ground of complaint was, the poverty of the accused; but that could not be pleaded as a ground for committing offences, and she was entitled to sue *in forma pauperis*, and therefore that made no distinction. The infliction of penance had also been complained of; but that was shewn by his right hon. friend, not to be so formidable as had been represented, and consisted only in a simple retraction of the offensive words. With respect to the payment of the costs, which amounted to 12*l.* 7*s.* 11*d.* they were occasioned by the accused party denying the fact, and obliging the accuser to summon witnesses to prove the allegation, and she consequently suffered by her obstinacy, as the whole expence in the inferior court, he believed, did not amount to more than 1*l.* 3*s.* 6*d.* nor was it desirable that there should be a total exemption from expence, which would operate as an incitement to dissention among the lower orders; and it was right that the expence should not fall on the injured party. He was as ready as any person, if a more efficient and satisfactory process could be substituted for excommunication, to consent to its adoption; but did it require the appointment of a Committee to point out this? Surely it was a very circuitous mode of going to work, to have a Committee appointed to examine into the situation of the inferior ecclesiastical jurisdictions throughout the country, in order to find out that excommunication was a round-about mode of proceeding. He was ready to allow that a spiritual court was not the most favourable sound to the ear; but it was only fair to take into consideration, that hardly one case in a year, of a spiritual nature, occurred in these courts, which were interwoven in the judicature of the country. Wills and testamentary papers constituted a very great part of their whole occupation, and another great branch was matrimonial causes, questions respecting the validity of marriage contracts, for enforcing those contracts, relieving from cohabitation, separation on account of adultery, and so forth. Other descriptions of causes came before them, such as all those respecting tithes. They were almost always occupied with questions of civil right. It was no doubt true, the offensive name still continued, and the odium was much increased by the use of excommunication. This mode of excommunication he would acknowledge was objectionable, from its being both circuitous and expensive.—In a court of common law, or equity, when a verdict or sentence was obtained, execution was at once directed, either against the goods or person; but in the ecclesiastical courts all that could be done was to excommunicate, and this in itself was a mere *brutum fulmen*, and required to be followed up with the calling in the assistance of a civil court. If the legislature thought proper to entrust ecclesiastical courts with that power which was en-

Digitized by Google

trusted to every other court in the country, then this circuitous mode of proceeding would necessarily be at an end. When he saw that those courts were principally occupied with the decision of causes purely civil, that they were completely incorporated with the judicature of the country; when he considered that every other court had the power of enforcing obedience to its own decrees, and that from the constitution of ecclesiastical courts they were reduced to what he would call a profane application of excommunication, that they could not even pronounce an interlocutory sentence without having recourse to it, he certainly thought that the legislature could not be better employed than in providing a remedy for this inconvenience; and should the legislature so far forget its ancient prejudices, as to consent to this remedy, he had no doubt that those who presided in the ecclesiastical courts would be extremely grateful for this interference. The number of inferior ecclesiastical jurisdictions was certainly very great, but if no particular charge could be brought forward against their administration, there really appeared no reason for going into any inquiry of the nature of the present. He had presided three years in a court to which appeals lay from all the inferior ecclesiastical jurisdictions of the country, which amounted in all to 19, and during the whole of that period there had not been more than 9 or 10 appeals. He thought therefore he was entitled to contend that no mal-administration existed to such an extent as to call for an inquiry of the nature of the present. The noble lord had been able to produce only 12 cases, from an examination into all the ecclesiastical jurisdictions in the west of England; and of these 12 cases, which were all that could be raked up in a period of 12 or 13 years, 6 were for defamation, and 2 were for tythes. The result of this diligent examination certainly would not lead him to the conclusion contended for by the noble lord. The remedy which that noble lord had proposed, he certainly could by no means give his consent to. It was neither more nor less than inviting all dissatisfied suitors, and all unfortunate suitors were dissatisfied throughout the country, to bring forward complaints to the Committee against the ecclesiastical courts; it was hunting for grounds of accusation against them. If the present mode of proceeding was inconvenient, the remedy was perfectly obvious, without the appointment of such a Committee of Inquiry.

Mr. *W. Smith* said, he had heard with great satisfaction, the statements so distinctly made by the two learned gentlemen that night. He confessed, that when he had heard the first part of the speech of the right hon. and learned gentleman (sir W. Scott) he was not prepared for the conclusion which followed it. Certainly, at least, one third part of that speech did tend to corroborate all the noble lord's conclusions, for it confirmed his statement, that there was something in those courts which stood in great need of reformation. If any of those learned gentlemen were willing to bring forward a remedy, he believed the noble lord would be perfectly willing that the reformation should be entrusted to them. But by whom would a bill be brought in? If his hon. and learned friend beside him (sir S. Romilly) were to introduce such a bill, so great was his weight in the country, notwithstanding his want of experience in that particular department, that he had no doubt it would be received with that deference with which every thing from him would be received; but if the noble lord were to originate such a bill, he would be told by the opposite side of the House, that it would be better for him to let it alone. If they were to look to the right honourable and learned gentlemen who were so peculiarly qualified to carry through this reformation, he was afraid that they had already so much important business on their hands, that it would prevent them from coming forward in time with it. He remembered a case of peculiar hardship, which came to his knowledge two years ago. Two poor women, for a contempt in an Ecclesiastical Court, had been confined in Nottingham during 11 years. He had been there after nine years imprisonment, and he found that they possessed a very good moral character, that they were enthusiasts, and in their principles nearly resembling Quakers, but differing from them in some peculiarities, they were not members of that sect. It happened that these women bore a dislike to the mode of solemnizing marriage prescribed by the Church of England. They were dragged before an Ecclesiastical Court, at the instance of some cruel, malevolent, and bigotted individuals, for living in a state of fornication; and being cited by their maiden names, and refusing to answer to such names from a scruple of

Digitized by Google

conscience, they were involved in an imprisonment of 11 years, and were at last set at liberty merely because their persecutors were tired of harrassing them any longer. [Here it was stated by some member near the hon. gentleman, that the period of imprisonment had only been 7 years]. Not long ago it had been the practice of pressing a criminal who refused to plead, till he consented to plead. This blot existed till at last a judge had thought proper to bring about a reformation, and it was enacted, that a refusal to plead was an acknowledgment of guilt. What did he infer from this? That Ecclesiastical Courts ought to act in the very same manner, and proceed to inflict that punishment on offenders which the offence deserved, without imprisoning for 7 years, in the manner which had been stated; for if such a punishment were directly awarded, the whole country would cry out against its barbarity.—It had been objected, that the appointment of a Committee would cast a slur on the courts; yet, was it not a standing order, that a grand committee of inquiry into courts of justice should sit every Saturday? Perhaps his noble friend would have no objection to this great committee, instead of the one he proposed. As to the Spiritual courts being principally concerned in cases of *meum & tuum*, would it not be better that these subjects should be confined to the common law courts, and that there should not be the option of a suit, which was less convenient, expensive and arbitrary. Would property or person be affected, or the constitution of the country be injured, if the Spiritual jurisdiction in these matters were removed?—The hon. gentleman concluded with expressing his opinion, that the mode proposed by his noble friend was the best that could be adopted, that all others would fail, and that as they had never yet seen any attempts made by those who were best qualified to provide a proper remedy, so no attempts would in all probability be made in future by them, and he would therefore give his vote for the motion of the noble lord.

The *Attorney General* said, it might be true that hardships existed, but had there been any mal-administration of justice, had inferior courts acted differently from what must have been done by superior ones? Had the judges done more than the law absolutely required? An hon. gentleman of great acuteness had alluded to the method now adopted by the courts of common-law, in lieu of the *peine forte et dure*, and had complained that the Ecclesiastical Courts had not followed that course. The law courts did not make that alteration, they had no authority to do it, till it was ordained by parliament; nor could the Spiritual courts admit such a commutation, without legislative interference. The judges, who had merely done their duty, could not be objects of censure. The complaint was against the law itself; it was the evident impression of the House, that the law should be corrected; it was fit, then, to make such correction, but not to institute the stated inquiry. A challenge had been given to his right hon. friend, to bring in a bill on this subject. He had no doubt that it would be accepted. It was expected of his right hon. friend by the House, because they felt that the task could not devolve upon any one more capable. He did not say this because his right hon. friend sat on the same side of the House with himself, but because his high judicial character was acknowledged not only in England but throughout Europe.

Sir *William Scott* signified his willingness to bring in the bill.

Mr. *W. Smith* said, he had not accused the Spiritual courts for their non-adoption of the practice of the common law courts, but merely suggested the propriety of such adoption.

Sir *John Newport* said, that great as was the pressure complained of here, from the jurisdiction of the Ecclesiastical courts, it was nothing to what was felt in Ireland. It was a perpetual subject of complaint, that the poor peasant who was cited to appear, after leaving his employment to attend the court, found that it was not sitting, and was obliged to go and return frequently, from the irregularity, with which those courts were conducted, and was at length decreed for not appearing. He would add but one word more: it was in the recollection of the House, that not more than two sessions had elapsed since a noble lord, in that House, had arraigned the Catholics of Ireland for inflicting the sentence of excommunication, and denounced it as infamous and disgraceful to society, in the most extravagant terms; and yet it was stated this night as the avowed and sanctioned practice of the established church.

Lord *Folkestone* begged to be informed, if it was the intention of the right hon.

Digitized by Google

and learned gent. to bring in a bill, as recommended by the Attorney-General?

Sir *W. Scott* replied, that if it was the sense of the House that such a measure was expedient, he would certainly comply. (Cheers from all sides.)

Lord *Folkestone* said, that with that understanding he should withdraw his motion, but he would make one observation: he understood that the right hon. and learned gent. had many years ago expressed himself hostile to the abuse; but up to the present period no measure had been proposed to remove it. He had extreme pleasure in withdrawing his motion.

The *Chancellor of the Exchequer* wished merely to remove any doubt which might exist with regard to what had fallen from his right hon. and learned friend in the course of the debate. So far from his speech having stated any objection to inquiry, its whole object was to express his opinion, that the inquiry should be directed towards the law itself, and not the charges brought forward by the noble lord, which he thought not likely to be remedied by the appointment of a Committee, and he had heard him often say, that the only reason which deterred him from attempting to remove the process complained of was an apprehension of opposition and jealousy on the part of the common law courts, which certainly had formerly existed in a considerable degree; but now that the general feeling seemed in favour of such a measure, he had no doubt that his right hon. friend would undertake it with great pleasure.

The *Speaker* proceeded to ask, whether it was the pleasure of the House that the motion should be withdrawn? when

Lord *Folkestone* observed, that the original ground of his motion was the case of the unfortunate woman, whose relief and release was sought by it; he would, therefore, wish to have something arranged on that subject.

After a short pause, the Speaker suggested to the noble lord to defer it to some other day. The motion was then withdrawn.

DUTIES ON LEGACIES FOR CHARITABLE PURPOSES.] Sir *J. Newport* had intended bringing before the House a motion for extending the provision of the 50 Geo. 3, ch. 85, regulating the taking of securities in offices in England, to all parts of the kingdom; but as he understood the subject was to be brought forward by another hon. gentleman, he should defer his motion for the present. He would now, however, call the attention of the House to another subject, of which he had given notice. The right hon. gentleman then, after a few appropriate observations, moved for leave to bring in a Bill "to exempt from payment of any duty on legacies all bequests for the education or maintenance of any poor children, or for the support of widows or other poor persons, or for the support of any charitable institution, within the united kingdom; and also from the payment of the duty on advertisements any advertisement or notice of any meeting to be held for such charitable purposes, or of the receipt of subscriptions or donations on such account."

The *Chancellor of the Exchequer* entertained a doubt as to the principle and policy of the regulations of the right hon. hon. baronet. It was not advisable to recognise the policy of encouraging bequests of the description alluded to, because any person on his death-bed might give to a charity that portion of his property which his immediate relations were entitled to. The legislature was not called on to administer to the wishes of such persons. These persons might be surrounded by those whose interest it was to induce the testators to will their property to the prejudice of their relations and nearest of kin. With respect to the publishers of newspapers, they undoubtedly charged what they conceived necessary for the insertion of advertisements relating to public charities, and to interfere with them was improper. The whole of the suggestions of the right hon. baronet, if attended to, would be accompanied by such inconvenience, that the measure would produce no benefit, but must be both inexpedient and disadvantageous.

Sir *J. Newport* did not wish pertinaciously to press a measure which he had thought it his duty to bring forward, as the right hon. gentleman was not disposed to concur with him.

The motion was then put and negatived without a division.

DISTILLERY BILL.] On the motion for the third reading of this bill,

Mr. *Hutchinson* rose to enter his solemn protest against that clause which had for its object the suspension of the intercourse between England and Ireland. He charged that section with being in direct violation of the solemn compact entered into

Digitized by Google

between the two countries, and he called upon the right hon. the Chancellor of the Exchequer to assign his reasons, if such he had, for venturing to break in upon the act of Union, which he had not yet dared to deny. The hon. member then read the 2nd section of the 6th article of the act of Union, and on that foundation claimed a right on behalf of the distillers of Ireland, to bring their spirit extracted from grain into the British market, notwithstanding the distillation of spirits from corn in Great Britain were prohibited. What, he inquired, might be the consequence of this flagrant infringement? The violation of one part of this solemn compact might in future times be quoted as an authority for breaking in upon another. The right hon. the Chancellor of the Exchequer, by an act of power, might in that House insist that the 4th article should likewise be repealed, and that Ireland should no longer be represented by 4 spiritual and 28 temporal lords, and 100 commoners. He might abridge the number to 50, or entirely exclude the natives of the sister kingdom from any share in the legislative branches of the constitution. He was, it was true, putting a strong case, but it was only by strong cases that he could hope to make any impression on the right hon. gentleman. Supposing the distillers of Ireland had assented to this measure, was that any reason why he should concur in an act which struck at the very root of the languishing manufactures, agriculture, and revenue of Ireland? Surely not: he was bound still to discharge his duty, although such an idea might call forth a smile from the opposite benches. This blow, too, was so unexpected. What, was the arm raised by the right hon. gentleman opposite? Would Ireland believe that the Chancellor of the Exchequer, her tried friend, her zealous advocate, her strenuous supporter, that he who had uniformly during his whole political career behaved with a liberality towards her which was the universal admiration of her inhabitants, was the man who was making this attack? With what anguish would they find those hopes they had "too fondly nursed too rudely crossed!" He entreated the right hon. gentleman to reflect before he took a step which would for ever destroy that glorious character for liberality, wisdom, and integrity that he had obtained in Ireland. He trusted that to-night he would disclaim the base design, and vindicate his hitherto irreproachable conduct.

Mr. *W. Fitzgerald* observed, that if during the course of the hon. member's speech, he had shewn, by his countenance, any symptom of dissatisfaction, it was a true picture of his mind, for he had little expected, that a question like that now under discussion would have been treated in the temper and spirit just exhibited. If, indeed, the support of the representatives of Ireland were desired, it would be fit that a conduct diametrically opposite should be pursued. Surely, the hon. member himself must be aware of the absurdity of arguing on questions of commercial policy now, by reference to periods when both nations were actuated by mutual jealousies; then, indeed, might deficient representation perhaps have been fairly complained of; but now it must be admitted, by all honest and unprejudiced men, that the united parliament no less consulted the interests and happiness of Ireland than it did those of Great Britain. He was as deeply concerned in the welfare of his native country as any man, and would do all in his power to promote it; and if he were asked, whether all the inhabitants of that country would be satisfied with the clause in question, he did not mean to assert that they would. (Hear, hear!) He trusted he should receive the same cheer while he asserted that in general, nay, almost universally, those interested either in the manufactures, the agriculture, or the revenues of Ireland considered this bill a most important benefit. (Hear, hear!) What were the objections? Not that the measure was inexpedient in the present exigency (for that, not even the hon. member himself had ventured to maintain) but that it was some supposed violation of the act of union. As the representative of the principal distillers of the sister kingdom, he appealed to the hon. gentleman whether he would wish that the provisions of the whole bill should be extended to Ireland? The honourable gentleman was silent, and it proceeded from experience: he knew that it would be most detrimental, for the first year that the distillation from grain was prohibited, it did apply to Ireland as well as to Great Britain, and how anxious then were the advocates against this very clause now, that the same provision should be inserted; they would have accepted it as the greatest boon that could be offered them. Such a conduct was indeed puerile; it deserved no better term, particularly when the proceedings of former times of comparative

Digitized by Google

hostility were quoted against the acts of the present. Last night he had compelled himself to silence, to-night the hon. member had compelled him to speak, and to assert that to the manufacturers, the agriculture, and the revenue, this bill would be in the highest degree beneficial.

Lord *Folkestone* was much pleased with the eloquence and animation displayed by the last speaker, and somewhat with his ingenuity, for he had not only glanced at the main objection of his hon. friend, but had skilfully recoiled from it as if impressed with sudden terror. He had advanced nothing to shew that it was not a direct breach of the act of Union. What he said, was, that the Irish people would not be injured by it. He had not attempted by the slightest argument to prove that it was not a direct infringement on the sacred compact. When it was intended to make an encroachment upon any thing by stealth, it was universally found that some act was first done, which if not really good in itself, could be plausibly shewn to be attended with beneficial consequences, and after the public had been dazzled by false light, advantage was taken of their sudden blindness to lead them into a snare. The whole of what had been just said was undoubtedly very persuasive, and would be listened too most willingly by those who were sanguine. It was an attempt like a man in despair to shew that good might arise out of evil, that the act of Union was violated was a positive evil; that advantageous results might attend it, was a doubtful good. If it was the fact that this clause was not a breach of the Union, why did not the hon. gentleman endeavour to shew it? The reason why he had been prudent enough not to make any such attempt, was sufficiently evident.

The *Chancellor of the Exchequer* professed himself somewhat astonished at what had fallen from the noble lord, but frequent experience had taught him not to be surprized at such sentiments as were delivered by the hon. member who first spoke on this question. On the present occasion he had warmly inveighed, as usual, against the House, but his object, at other times more remote, was not sufficiently obvious, from the notice that he had given regarding the dissolution of the Union. It was an attempt to excite in Ireland a spirit of hostility, which, supposing the speech of the hon. member to possess any weight even there, would be more than counterbalanced by the general pacific temper of the people. That the noble lord, however, should join in such an undertaking, appeared a little extraordinary. The House would not fail to recollect, that if the measure were originally improper, the prevention of the distillery from grain originated with that administration, whose conduct was always boasted as immaculate, when contrasted with the proceedings of the present government. It was introduced by those men who had always received the able support of the hon. gentleman. Reciprocity was the foundation of the Union between the two countries; and if the distillation from grain were permitted in Ireland and prohibited in Great Britain, and the intercourse between the two were continued, where would be the reciprocity of interest? Irish distillers, indeed, might, as was no doubt anxiously wished, be prosperous, but the English would be ruined. What then was the situation in which we stood? The hon. gentleman was of opinion that this clause was of great importance to the manufactures, the agriculture, and the revenues of Ireland. True; it was of infinite consequence, particularly to the latter; but what was the result of the experiment made to prevent the distillation from grain throughout the whole empire, at a time when the inhabitants were starving for want of bread? Did it save grain in Ireland? No: on the contrary, it only occasioned a greater consumption. Did it increase the revenue? No: for the effect was to encourage illicit distillation to such an extent, as greatly to diminish the duties of excise. Here, then, in this Bill was an endeavour to rescue Ireland from the inconvenience so loudly complained of before; yet although it was a concession to the wishes formerly expressed, nothing could satisfy gentlemen pre-determined to be dissatisfied, and therefore they still objected to the clause.—To what, then, would the hon. gentleman, the renowned and avowed champion of the interests of Ireland, the representative of the distillers of that country, drive the House by his arguments, if arguments they might be called? Not to allow the distillation of grain, but to prevent it, to the prejudice of all his constituents. Thus he would not permit the present ministry even to benefit his country without complaining, and proving himself instead of being the warmest friend, the greatest enemy to Ireland. He was extremely anxious to in-

Digitized by Google

jure the agriculture, manufactures and revenues of Ireland, because, forsooth, it was the anxious wish of government to promote their prosperity. The measure itself was introduced for a great object of national advantage, without a pretence for asserting that there was any underhand attempt like an assassin with a smile upon his countenance, to strike a blow of destruction. How, then, did the proposition stand? Parliament taking a deliberate view of the interests of both countries, but particularly of Ireland, had agreed to sanction by a majority a measure to promote them, introduced by the minister of the day. This bill, however, was not to be supported by some few individuals, because they said that the same minister might bring in a bill with a directly opposite design; but did the conclusion at all follow, that because the House had approved by its votes of the beneficial plan, that it would support the minister in the promotion of a ruinous scheme? Yet in order to maintain what the hon. gentleman contended for, such must be his proposition, however absurd it may appear. "Do not," said the hon. gent. and the noble lord, "adopt this measure, which will be advantageous, because it may be followed by a bill which will be detrimental." It appeared to the Chancellor of the Exchequer that there were a species of reformers, as they termed themselves, in the country, who, in order to justify their conduct, must support the converse of that proposition. Ministers were accused now of doing present good for the sake of doing future mischief: the reformers were doing present mischief for the sake of doing future good. From the first line of conduct he could not foresee that much injury could arise to mankind; from the latter, it was evident that certain and immediate detriment would ensue.

Mr. *W. Smith* observed, that the views of the Chancellor of the Exchequer upon this subject were certainly more accurate than those of the noble lord and the hon. gentleman who had spoken on the other side of it. At the same time he could not but add, that as the Chancellor of the Exchequer had been asked a civil question, had he returned a civil answer it would at least have redounded more to his candour, if not so much to his eloquence.

Mr. *Giddy* rose merely to state, that though he agreed with the present measure, as one justified by the necessity of the occasion, he protested against the adoption of the principle on any future occasion, unless under the influence of a similar necessity.

The Bill was then read a third time, and passed.

HOUSE OF COMMONS.

Friday, January 24.

PETITION OF THE VAUXHALL BRIDGE COMPANY.] A Petition of the Vauxhall Bridge Company, was presented and read; reciting an act of 49 Geo. 3. for building a bridge across the River Thames, from or near Vauxhall turnpike, in the parish of Saint Mary Lambeth, in the county of Surrey, to the opposite shore, in the parish of Saint John, in the city and liberty of Westminster and county of Middlesex, and for making convenient roads thereto; and setting forth, "That the petitioners were, by the said act, incorporated and empowered to build the said bridge with stone, and to make a new road to pass from the foot thereof in a line across the west of Tothill fields to a point specified in the plan therein referred to, opposite to and about 300 feet to the eastward of the bridge, called the Two Foot Bridge, and from thence, in a north-westerly direction, across the great common sewer to the south-eastern boundary of earl Grosvenor's estate, in the occupation of the governor and company of the Chelsea waterworks, and from thence in a northerly direction on the eastern side of the said boundary, to the north-east corner of the said estate, and from thence to Eaton street; and also a road from the foot of the said bridge to the turnpike road leading to and near Vauxhall turnpike, in the parish of Saint Mary Lambeth, in the county of Surrey, and certain other roads therein described; and that the Petitioners were by the said act empowered to raise amongst themselves any sum not exceeding 200,000*l.* in shares of 100*l.* each, but, in case the same should be found insufficient, they were authorized to raise any further sum, not exceeding 100,000*l.* in manner therein mentioned; and that the estimate for building of the said bridge with stone, making the roads, and completing the undertaking, amounts to upwards of 300,000*l.*; and that 1596 shares only have been taken or disposed of; 70 of which have been declared forfeited, and the remainder, if all paid, including the sums advanced on the said forfeited shares, will produce no more than 153,000*l.*

Digitized by Google

or thereabouts; and that the Petitioners, owing, in a great measure, to the pecuniary difficulties of the times, and the consequent depreciation of all property of this description, have not been able to dispose of any further shares in the said undertaking, and calls have been made on account of the shares so taken or disposed of, which have produced the sum of 101,200*l.*, or thereabouts; and that the Petitioners have invested the sum of 30,000*l.* in the purchase of stock in the names of trustees, as directed by the said act, and have built and erected the abutment on the north side of the river, and have erected a steam-engine, workshops, and other buildings, dug the foundation of a second pier, and completed other parts of the undertaking, and have also purchased considerable quantities of stone, timber, and other materials, the greater part of which remain unapplied, in doing which, with other incidental charges, and including the preliminary expences of surveys, and obtaining the act, which amounted to about 6,000*l.*, they have expended the sum of 79,000*l.* or thereabouts; and that there now remains to be called for upon the shares so taken and disposed of the sum of 58,000*l.*, or thereabouts, including the arrears due on calls; and that the Petitioners, under the circumstances stated, did some time ago suspend the proceeding with the said undertaking, being apprehensive that, when the calls upon the shares already disposed of were made, they would not be able to raise, under the powers contained in the said act, such a further sum of money as would be requisite to complete a bridge to to be built with stone, as mentioned in the said act, and the roads and other necessary works thereto; and that, if the Petitioners, in building certain parts of the said bridge were authorized to substitute iron, timber, and other materials for stone, they would be enabled to complete the same at a much less expence, and considerably within the sum authorized to be taken and subscribed for under the said act; and that the Petitioners, in proceeding to put the act into execution, find that it will be convenient that the first mentioned line of road, passing from the foot of the said bridge across Tothill fields to Eaton street, should be varied, by making that part thereof beginning at the foot of the said bridge about 100 yards to the eastward of the scite as laid down in the plan referred to by the said act, and continuing the same in a straight line across Tothill fields, through the scite of certain buildings called the Pest houses, crossing the old line of road at the east end of the Willow Walk, and continuing in a straight line to a garden in the possession of Thomas Cork, where it enters again into the old line of road; and also that the line of the said road leading from the foot of the said bridge to near Vauxhall turnpike, in the county of Surrey, should be varied, by passing from the end of the said bridge in a straight line through a part of Cumberland gardens, to the Vauxhall turnpike road, on the west side of the said turnpike; and it is requisite that some of the powers of the said act should be altered and enlarged, and further powers granted; and praying, that leave may be given to bring in a Bill for the same."—Ordered to be referred to a committee.

London Victuallers' Petition respecting Pewter Pots.] A Petition of the Licensed Victuallers, Publicans, within the cities of London and Westminster and its environs, was presented and read; setting forth, "That the Petitioners form a very extensive body, and are the medium of contributing greatly to the annual public revenue: and that, from long usage, they have been under the necessity of furnishing the public with beer in pewter pots, in which article a considerable portion of their property is employed; and that, from the manner in which (partly unavoidable, but principally from the inattention of servants and lodgers) their said property is continually exposed to the temptations of the needy and the prey of the vicious; and that the Petitioners found that the depredators of their property consisted of the most miserable and pitiable objects, and many very young; and the Petitioners some time ago associated themselves for the purpose of prosecuting such offenders, and they prosecuted several to conviction, but the punishment (doubtless from motives of humanity) have been in most instances slight, and in all very inefficient, as these offences still constitute some considerable part of the business of the sessions; and that any measure undertaken by the Petitioners to prevent the consequences stated, by substituting any other mode of accommodating the public, is entirely hopeless (such plan having failed some years ago), and must ever do so, from the continual change in the trade

Digitized by Google

creating a competition that nothing short of legislative interference can counteract, so as to carry into effect any such measure, if proposed again; and that proofs are ready to be produced by the Petitioners, of loss to the enormous amount of from 70,000*l.* to 80,000*l.* per annum; therefore they trust that the House will consider their situation claiming, as a class of men affording accommodation to the public and the army, and as the means of contributing much to the facility of business and the comfort of society; and farther, the Petitioners are anxious to represent to the House, that the present mode of sending out pewter pots, forms of itself a nursery for the various depredators of the metropolis, inasmuch as it affords a constant supply in the absence of more extended prey, thereby enabling them to take advantage of any opportunity to plunder; and, when the extent of loss is considered, it is more than probable that from this cause alone has arisen many of those atrocities of late (more than ever committed) to the great terror and annoyance of his majesty's subjects; the prevention also of the nuisance (particularly on the Sabbath) of the calling out for and collecting pots, the Petitioners humbly conceive will be a desirable object with the community at large; and that the Petitioners have been informed that it is intended to make some regulations respecting the police of the said cities; they therefore hope that some clause or provision may be introduced in such Bill for the protection of their property, by restraining all publicans, under heavy penalties, from sending out from their houses any pewter or other pots; and that they may be permitted to afford the public an equal accommodation by vending their commodity without the use of pewter pots (excepting such as are necessary for the purpose of measuring their beer to their customers), which they are prepared to prove to the House may be effected without difficulty or inconvenience to the public."

Ordered to be referred to the Committee on the state of the Nightly Watch and Police of the Metropolis.

PETITION OF MR. CORT RESPECTING HIS PATENT FOR WORKING IRON.] A Petition of Coningsby Cort, eldest son of the late Mr. Henry Cort, of Gosport, Iron Manufacturer, on behalf of the Petitioner and family of the said Henry Cort, consisting of a widow and nine other children, was presented to the House; setting forth, "That in the years 1783 and 1784, two respective patents were granted by his present Majesty to the Petitioner's late father; the one, for a new and improved method of making iron in a reverberatory or air furnace, heated by common raw pit coal; and the other, for manufacturing the iron when malleable into bars, bolts, and a variety of other uses, by passing it in a welding heat through rollers, with grooves accurately formed, instead of working it under forge hammers; a process never before adopted or brought to perfection, and now in general use; and that the Petitioner's father expended the whole of his private fortune in bringing the said discoveries to perfection, and endeavouring to establish the means of availing himself of the benefit of his patents; and that various unforseen misfortunes, arising from the failure of the funds of the Petitioner's father, prevented him reaping the benefit of his discoveries, and in the mean time the period of his patents expired, and the process had come into general use, and the Petitioner's father was wholly deprived of the means of participating in the benefits of his discoveries so valuable to the public, and advantageous to all those engaged in the trade; and that the patent method is not only universally adopted throughout Great Britain, but, from its immense and progressive increase of late years, has been the means of rendering the nation in this most important branch of commerce independent of all foreign countries, whereby very large sums, formerly paid to Russia and Sweden at their ports of exportations, and which from the late vast augmentation of demand in this article of trade would be greatly increased, are saved, and iron is now made in this country, fit for the use of his Majesty's navy, equal in body strength and toughness to the first sort of Swedish Oregrounds iron, and at a much cheaper rate than it could be obtained by importation; and that it is now computed and admitted by the trade, that there is about 250,000 tons of wrought iron manufactured according to the principles of the patent method of the Petitioner's father; and that about 150,000 tons of iron, part of the above quantity, are rolled into bars, upon the exact and precise principle laid down in the specification of the patent granted to the Petitioner's father, without any material or practical deviation whatever; and

Digitized by Google

praying, that, as the facts herein stated can be fully established by various authentic documents and reports of the navy board, and which are ready to be produced before the House, and also on the authority of the most respectable characters, some of whom are now holding high official situations under government, and most decisive and unquestionable oral evidence, that the House will, on a due investigation of their case, condescend to deem the family of the Petitioner's father objects not undeserving of some parliamentary remuneration; and they most humbly implore the House, that they may be allowed to prove the above facts in support of the Petition, and that such relief may be given as to the House shall seem meet."—Ordered to lie upon the table.

HOUSE OF COMMONS.

Monday, January 27.

COMMITTEE APPOINTED ON PUBLIC EXPENDITURE.] Mr. Bankes conceiving that there would be no objection to the motion, without making any observation moved, "That a Committee be appointed to examine and consider what regulations and checks have been established in order to controul the several branches of the Public Expenditure in Great Britain and Ireland, and how far the same have been effectual; and what further measures can be adopted for reducing any part of the said expenditure, or diminishing the amount of salaries and emoluments, without detriment to the public service." And a Committee was appointed accordingly.

COMMITTEE APPOINTED ON SINECURE OFFICES.] Mr. Bankes next moved, "That a Select Committee be appointed to consider what offices in the United Kingdom, and in the foreign dominions of his Majesty, come within the purview of the 2d, 3d, and 4th Resolutions which, upon the 31st day of May 1810, were reported from the Committee on Public Expenditure; and that they do report their opinion thereupon to the House," and a Committee was appointed accordingly.

KING'S HOUSEHOLD BILL.] The order of the day being read, for the House to resolve itself into a Committee of the whole House, upon the Bill for making provision for the better support and arrangement of his Majesty's Household, and for the care of his Majesty's real and personal property during the continuance of his Majesty's indisposition; it was ordered, on the motion of the Chancellor of the Exchequer, That it be an instruction to the Committee, that they have power to divide the Bill into two bills, if they think fit. On the motion, that the Speaker do leave the chair,

Mr. *Tierney* rose, and expressed himself extremely anxious, that what he should say on this occasion might not be misconceived or misrepresented. The subject was one of much delicacy, and at the same time of so great importance, that while they inquired into it, on one hand, with tenderness and respect, they ought, on the other side, to be allowed full and complete opportunity of understanding what they were doing, and this was the more necessary for him to insist upon, as he was sure there were many gentlemen who, neither from a perusal of the Bill, of the papers on the table, or of all the information they had before them, could be aware of the extent to which the measure went. Rising as he did at this moment, it might be supposed that he would go into the minutiæ, and answer the variety of statements contained in the papers produced; but the contrary was his intention, for he could see no good purpose that could be answered, and no real utility that could be produced by an investigation of detached papers and figures. From all these it was impossible for him to make up his mind on the question, and when he could not see his own way, it was not his design to call on other gentlemen to follow a course, in which he could not be their guide. In saying this, it was far from his intention to insinuate that there had been any backwardness or unwillingness in the right hon. the Chancellor of the Exchequer to produce all the information called for. The papers were on the table, and for aught he knew they were correct and fair; but then they did not afford the information desired; they only gave a comparative statement of the expenditure on the Civil List for a few years, while he wanted to know, whether in any of these years it was possible to have made a retrenchment? And this appeared to him to be the more necessary to be ascertained, as that expenditure, from the year 1804, had proceeded upon estimate, and that estimate had been greatly exceeded. The expence of the Lord Steward's department, for instance, instead of 65,000*l.* a year, at which it had been calculated in

Digitized by Google

1804, the next year rose to 84,000*l*. It was the existence of such facts as these that induced him to call on the House, to examine the matter in detail before they agreed to a new and permanent arrangement: and for this purpose it was his opinion that a Committee above stairs should be appointed, instead of proceeding in the blind and uninformed way they were now, by the right hon. gentleman opposite, advised to pursue. The House ought not to be contented with the mere information given by ministers, they ought to inquire into the subject themselves. Not that he meant to throw any imputation on the right hon. gentleman opposite, who had freely given an account of the expenditure of the Civil List, which, as far as the figures went, he had no doubt was correct; but it afforded no insight into the state of the vouchers, why they had augmented in amount, and how the money had been called for; and without this it was of little or no consequence to the House to know, that instead of the estimated 70,000*l*. the expence of foreign ministers had amounted to 83,000*l*. for instance, if they could not at the same time ascertain why this was so, and what were the circumstances which demanded so great an increase. He might also offer similar observations respecting the Lord Chamberlain's department, but it was unnecessary to enter into these partial details, when they were of necessity shut out from a comprehensive and general view of the question, in all its bearings and branches. His object was, that every thing belonging to the Civil List might be put on a footing honourable to the crown, and consistent with its dignity and splendour; at the same time that every thing should be open to the public, whose interest ought to be consulted in any arrangements about to be made. Although in this sense he was an advocate for the strictest practical economy, yet he begged it to be understood, that there was not a man in the country who would less entertain a wish to abridge, in the slightest degree, either the pomp or splendour of royalty. But, in his mind, the expenditure might be made much more palatable to the public, without being made less in amount; and it was more to the mode in which the business was conducted, than to any objection which from his present information, he could have to its extent, that he was, in every point of consideration, decidedly adverse. On this ground it was that he opposed the motion for the Speaker's now leaving the chair. He wished to have a distant day fixed for that, as the matter now stood; and he would have opposed the motion altogether, as he thought the bill ought not at all to be entertained, but from a consideration of its proposed purpose, to provide for the comfort and maintenance of the monarch in his distressed condition. It purported to make a provision for his Majesty in his illness, and he would not, by opposing it altogether, expose himself to misconstruction; but his opinion of the measure was fixed; and though he might not deem it expedient, from the circumstances he had noticed, to go to the length he should otherwise have been inclined to go, yet neither would he bring himself to acquiesce in a measure which seemed every way so prejudicial to the interest of the state. And here he could not help calling the attention of the House to one part of the Bill, which he knew not by what means had crept into it, as it made no part of the instructions to those appointed to frame it. He alluded to that part relating to his Majesty's Private Property. On this subject he found himself in great difficulty, and was not aware of any argument that could shew the propriety of legislating upon it: He would say nothing of the amount to which, on the accumulation of many years, it must have risen, but he might state that he could not, nor did he believe any gentleman who heard him could come to a determination thus incidentally to bestow upon it legislative recognition. The Bill called on them to appoint three commissioners to superintend this fund, out of which they were to be paid 1,000*l*. per annum each, and the House might readily form an idea of what that sum must be which could afford so large a proportion for the mere auditing. He should be the last man in the House to hurt the feelings of the royal family, but, as a member of parliament, he must protest against their recognizing this fund, uninformed as they were as to its amount and nature. He must also protest against the oath intended to be administered to these commissioners, by which they would be bound never to betray the "secrets of the prison house." By this means, if any part of this fund, which he did not mean to say was the case,—if any part of it should have arisen from sources not intended to have constituted private property, or to have been employed for private purposes, then par-

Digitized by Google

liament would be excluded from the possibility of ascertaining the fact, and consequently from applying a remedy to the evil. In discussing this part of the subject he was conscious of the delicacy of his situation, and that he was speaking of things not ordinarily within the view of parliament; that he was consequently liable to misinterpretation, and in some quarters, of wilful misinterpretation; he therefore wished that those royal personages most interested were present in the House to hear his sentiments. He was anxious that every syllable he uttered should be dealt out with becoming respect to the monarch and those nearest concerned, but at the same time he could not consent to give more than was consistent with the circumstances and honour of the country. With this impression, he hoped the House would allow him to go rather more into detail than he otherwise should have gone; and he should not have done so, were it not a question of the greatest importance in every point of view.—The Bill professed to be "a Bill for making provision for the better support and arrangement of his Majesty's household, and for the care of his Majesty's real and personal property during the continuance of his Majesty's indisposition." Now, the House would consider the circumstances under which the Bill so framed came for discussion. An act passed for settling the regency for 12 months under certain restrictions, which act had very nearly expired. The restrictions contained in that act were such as the prince of Wales felt were not only painful, but injurious and insulting to the character of his royal highness. Since the passing of that act up to the present moment, his royal highness had conducted himself in such a manner, as not only to call forth the admiration of the country, but also to remove any suspicion, (if any man had suspicion lurking in his mind at the time the act passed), that his future conduct would not be regulated in the same manner. The whole of his royal highness's conduct had been directed by attention to the comforts of his royal father, and which had on all occasions done credit to himself, and would give the lie direct to any insinuations to the contrary. There was nothing in his royal highness's past conduct that could lead him to a suspicion that if he was clothed with full powers he would abuse those powers. What was the return which his royal highness had met with? By this new Bill he was to be treated as a person not fit to be trusted—as if he had not atoned for any supposed or imaginary errors by the rectitude of his conduct, and consequently had not wiped off that dark distrust which had dictated the measure 12 months since. (Hear, hear, from the ministerial benches, accompanied with a smile!) The right hon. gentlemen seemed amused with these opinions, but he did not see much of comicality in them, and he would endeavour to convince the right hon. gentlemen so. In considering the act, he must make two assumptions. In the first place, that it would in substance place his royal highness on the throne permanently, (in the event that what all desired did not fortunately happen) and that it would make such arrangements that his Majesty might, if happily he could, resume the royal authority. Secondly, that his royal highness ceased to be prince of Wales on that assumption, and of course whatever was vested in him as prince of Wales, was at an end also; that was to say, the executive government would be entirely in him. But the principles which he had assumed would be violated by this Bill; for last year the country only recognized one Court.—Parliament were now called upon to establish two courts. With respect to the establishments of these courts, many gentlemen who had not heard the speech of the right hon. the Chancellor of the Exchequer in detailing the plan, would be totally in the dark. It was proposed to vote 70,000*l.* per annum in addition, and to make his royal highness a present of 100,000*l.* Now when he asked for explanation on this subject, how was he answered? Why, the right hon. gentleman, as he understood the plan, had stated it to be this: His Majesty had a civil list revenue of 950,000*l.* (putting out of the question the revenues arising from the duchies of Cornawll and Lancaster); out of that list he paid 60,000*l.* to the prince of Wales; he therefore had at his disposal an available income of about 900,000*l.* Of that sum it was proposed to take 170,000*l.* namely, 100,000*l.* for his Majesty's household, 60,000*l.* for his privy purse, and 10,000*l.* for her Majesty's additional expenditure. This gross sum of 170,000*l.* deducted from the 900,000*l.* would leave a clear income of 730,000*l.* This was one side of the question. On the other it was proposed to add the sum of 70,000*l.* which would bring it to 800,000*l.* to which must be

Digitized by Google

added also, 50,000*l.* to be given to his royal highness as prince of Wales, making in the whole 850,000*l.* leaving the civil list revenue in the hands of his royal highness, 50,000*l.* less than what his royal father enjoyed. Now, whether the sum so proposed to be given was more or less than enough to maintain the dignity of the sovereign, he was not at present prepared to say, and therefore it was necessary the House should be informed. It had been stated, too, by the right honourable gentleman that his Royal Highness would defray the expence of the Windsor establishment when there, out of the revenue thus appropriated for this purpose; but with respect to Carlton House, there was no precise information given: and he had only to observe, that the prospect held out to the country was likely to be falsified in the same manner as the Estimates of 1804 had been. There were 170,000*l.* taken from the civil list and 120,000*l.* added to it; but then they were also to recollect that the Prince of Wales enjoyed an exchequer income beyond what was appropriated to the civil list, of 70,000*l.* which, on the whole, made his income 20,000*l.* a year more than that enjoyed by his Majesty. But this was not all. This sum was to form a fund, over which parliament was to have no controul. He did not doubt that it would, by the Prince Regent, be applied most honourably and properly; but, as a member of parliament, he must declare it to be a monstrous proposition, that the person entrusted with the royal functions should have a fund of 70,000*l.* uncontrolled by parliament, and only appearing in a parenthesis in the speech of the minister. This alone was, in his opinion, a sufficient objection to the bill; but there were many others. Her Majesty was appointed to the control of the king's household, with 170,000*l.* a year as one civil list, and another civil list was granted to the Prince Regent. By this plan two privy purses were established. The Prince of Wales, indeed, as administering the royal authority, was certainly entitled to that appendage to royalty; but he could see no reason for the same being continued to the King in his retirement. Would the right hon. the Chancellor of the Exchequer tell him, which of the two came under Mr. Burke's bill? How were the charges on the privy purse to stand? Were they to remain on that left with the Queen for his Majesty, or be transferred to that which accompanied the Regent? If not so transferred the Regent would have 130,000*l.* not under parliamentary control; and if they were, her Majesty would have 70,000*l.* a year to pay physicians, and the surplus would go to the augmentation of that private property, the amount of which they had no means of ascertaining, but which must already be enormous. The consequence was, that the privy purse, instead of belonging to the office of king, came to belong to the man, which was a complete perversion of its meaning and intention. Would the House, then, act honourably towards the country if they agreed to this vote of money, apparently to augment a fund already abundantly too large? He could not think that even 35,000*l.* could be expended annually on physicians; but if twice that sum were necessary, let it be shewn, and he was ready to vote it; but he never would consent to recognize a privy purse to the king as a man, which was wisely given to him by parliament, as connected with the office of the kingly government. This also formed one of his main objections to the measure. The bill, he was aware, was not easily comprehended; but now, when gentlemen must see to what an objectionable extent it went, he put it to the House, whether they could consent to pass it, before they had every particle of information connected with it before them? He must remind them, that in what they were now doing they must consider themselves as providing for a new reign; and could they consent to do this on the loose and imperfect statements of which they were in possession? If they did, they ran the risk of placing the Prince Regent in a situation attended with the most unpleasant circumstances. He ought to ascend the throne with the confidence of the people; and could this be the case if he was put in possession of a fund which no king before ever possessed? The right hon. gentleman had said, that the sum of 70,000*l.* was to be placed in the hands of the Prince to meet certain engagements of honour. And here he would discharge his duty and speak out. These engagements of honour must mean debts—they could mean nothing else; every man in the country knew the situation of his royal highness, and would at once understand them in that light, and that this 70,000*l.* was to be ap-

Digitized by Google

plied in gradually liquidating these debts of his royal highness. This was the sum and substance of the right hon. gentleman's statement to the House, that on the faith of the income of 120,000*l.* his royal highness had entered into certain engagements of honour. If these engagements were sifted, it would be found that no other reproach could attach to his royal highness on account of them than a want of attention to his affairs, negligence, and perhaps some degree of profusion. He should, in his own opinion, be wanting in his duty, if he did not say to the House that they ought to meet this difficulty fairly. He did not mean to say that this sum, which was now proposed to be left to the uncontrouled disposal of the Prince Regent, should be assigned to commissioners for the liquidating and discharging his royal highness's debts. This, he hoped in God, would not be attempted to be done, though he still thought it better than to vote an uncontrouled sum to the Regent; but he would say to them, If you wish that his royal highness should possess the confidence and affections of the country, do not leave this stain upon him. He would say to them, if you are really as liberal as you would wish to be thought, pay off the debts of his royal highness at once. While he said this, he knew that he was stating what, to many, would appear a very unpopular proposition, but caring nothing as to what construction might be put upon his conduct, or whether he might offend the high, or offend the low, he would say, that the Prince's debts, unless it could be shewn that they were disgracefully contracted, ought to be paid by parliament, and that if they were merely the fruit of negligence or profusion, as he was convinced would be found to be the case whenever they were investigated, he was ready to vote for their payment. He really could not conceive how a more disgraceful line of conduct could be adopted, than to embarrass the Prince Regent with the discharge of a debt, the nature and extent of which was not publicly known. It looked, in fact, as if something monstrous was considered to exist in those debts, which could not be avowed. It was well known that his Majesty, having no resources of his own, had the debts of the Civil List paid by the nation; and the Prince, while he had separate funds of his own, was no doubt to be called upon to discharge his own debts out of those funds; but now, when he had no separate funds, his debts ought in like manner to be discharged by the nation. The consequences of this conduct, of thus placing the debts of his royal highness in this alarming and disadvantageous point of view, would readily, in his mind, occur to every one—deprived of this controul of the funds destined for his father, and bound to the discharge of engagements of honour, to whom, and to what extent no man could tell. In times like these, was it not highly dangerous to the throne, that it should be so manacled and fettered? There was a clause in the Bill, to which he would briefly advert. It is stated that since 1804, the charges of the Civil List have exceeded the funds by about 124,000*l.* annually. It might turn out that this was very correct, and that this excess was justifiable. Perhaps, then, his royal highness would soon experience something like the embarrassments of his father. How, then, would he be enabled to discharge these engagements of honour? It was proper to observe, that the Prince's debts had never yet been in any manner discharged by the nation, but had hitherto been liquidated out of his own funds up to the last two years.—On all these grounds he was desirous, before he came to a decision, of having a full view of every particular connected with this important subject, and that the Prince Regent should be placed on the throne with a mind free from embarrassment, that he might employ it in the great public duty imposed on him. The House ought to see every thing arranged and established on a solid footing, and at the same time so liberal and splendid, as to be equally honourable to the givers and to the receiver. But he objected to slurring over any part of this important matter: such a mode of proceeding was neither fit for royalty or the plain dealing of that House. Why, then, were they called on to vote by piecemeal? Why to slur over the provision which they would necessarily be called on, and ought to make for the amiable Princesses, who, they were told, would live, when in town, with the Regent, and when in the country with the Queen. Was this a treatment fitting the age and character of these princesses? The House ought at once to make a suitable provision for them. It was well known that in 1804, 20,000*l.* was allowed to the Queen on account of the encreased expences to which she was exposed on their account.—But the whole of the present proceedings carried suspicion on the face of them. It was

Digitized by Google

evident that there was every disposition to liberality in the House—a disposition to do every thing becoming the splendour and dignity of the throne and the royal family. Why, then, did not the right hon. gentleman come forward at once, and take from the country what every man was ready to give, provided it was not greater than the funds and exigencies of the country would allow. If they did not enter at present upon a full arrangement, every year they went on they would be continually exposed to a fresh discussion on the subject of the Civil List. It was true they were told that the average excess had been hitherto discharged out of the Droits of Admiralty and the excess of the Scotch Revenue, and that if the expenditure of his royal highness should exceed that average excess, it would be necessary to come to parliament. What was this, he would ask, but an indirect statement, that an addition was to be made to the Civil List to the amount of this average excedent, while in the outset he was to be curtailed of 50,000*l.* enjoyed by his father. The fact was, that this was a plan to keep the Prince Regent always in restraint, always under the necessity of applying for something from ministers, for which, no doubt, he was to give something to ministers in return. Their conduct appeared here in the most artful light. He wanted, therefore, to see the Prince entirely free from ministers. During the whole of the last reign, animosities had taken place respecting the paying off the debts contracted by the Civil List. Why, then, would not the minister at once come down, and ask from the House, he would not say a lavish grant, but such a sum as they ought to grant? Was it the way that the Civil List ought to be provided for at the commencement of a reign, to tell the House that the excedent of 124,000*l.* was to be paid out of the Droits of Admiralty and Scotch Revenue? Every thing on this business was left unexplained, and the House was left completely involved in doubts and perplexities. Throughout the whole Bill, there was an apparent distrust of his royal highness, while every thing was calculated to appear like very great kindness to him. In place of the 100,000*l.* taken from the Civil List, 70,000*l.* was to be given him, for which he was to be under no controul. But this was one side of the picture only, and it was proper also to look at the other. Here, then, was a settled distrust manifested respecting the intention of his royal highness; he was considered by them as incapable, and unfit to be trusted with the management of his father's servants; the father was placed under the controul, not of his son, but of others. The distrust entertained of the Prince Regent was the real reason for all this conduct. Was there any person, he would ask, averse to the entrusting the care of his Majesty's person to the Queen? But he could not see how, admitting that his Majesty should really want those lords of the bed-chamber and equerries now to be allowed him, there was any difficulty in supposing that her Majesty would desire some of her own retinue should be delegated to attend upon him. Did they suppose that the Prince Regent would turn off his Majesty's old servants? The whole Civil List had last year been granted for his Majesty; and he would ask, what proportion of all the numerous retinue had ever attended upon his Majesty? It would appear that in April only one lord of the bed-chamber and one equerry had really waited upon him; but since July this had been altogether discontinued. What was all this for, then, he would ask, if there was not a distrust of the Prince? Why was the Queen to be placed at the head of a separate Court? (hear, hear!) He meant nothing here, but that she was to have the separate and uncontroulable power, not controulable even by the Treasury, of the 110,000*l.* augmented by that part of the privy purse which was also at her disposal. Her Majesty was to have no fewer than 21 servants at her disposal for the support of the dignity and splendour of the King! Her Majesty had also an establishment of her own as Queen Consort, and this was a necessary part of the Civil List, and composed part of the splendour of the throne; but now all this was to be withdrawn from it. And was this not a new court, if a sum of 220,000*l.* was to be voted to her Majesty, with a Master of Horse, and the other officers which went in the train of a court? If all that did not constitute a separate court, he really did not know what a separate court meant. He did not mean to say that her Majesty would differ with the Prince Regent, but he would say, then, that if they pulled together, there would be an increased influence, which it was proper also not to lose sight of. His royal highness would have occasion to supply, for his own establishment, all the servants taken away from him to the other, and this would ne-

Digitized by Google

cessarily occasion an increase of influence. But should there at any time be any difference, (he did not mean to say any personal difference, for that he was convinced would never take place between his royal highness and her Majesty, but any political difference between them), then the Prince Regent would feel himself checked by the measures of a rival court. All this was the necessary continuance of the system of last year. Did his royal highness approve of those restrictions, by which the Queen's power was placed above his own? The Queen was placed over a separate court, and armed with separate power and separate patronage. This, he would say, ought not to be the case, and he was sure that he was then saying that which if her Majesty could hear him say, she would have no hesitation in thanking him for. He did not mean to say that her Majesty would ever condescend to carry on intrigues against the administration; but this could be very well done by others in her name, who might find it very convenient to have a separate court to fall back upon, for the purpose of playing off their manœuvres. It was possible that this Bill might have been submitted to his royal highness, but yet not sufficiently explained to him; for it was almost impossible to conceive that if it were explained, he could ever approve of such a Bill. In this Bill could they find any real advantage resulting to the comforts of his Majesty, or any gratification to the private feelings of the Queen, from the plan of the right hon. gentleman? What he wanted was, that the custody of the King should be entrusted to her Majesty; but while he said this, he wished to have a distinct sum voted, in addition to the Civil List, that his royal highness might be enabled to make the proper arrangements for his father. Those who objected to such a measure could only object to it from thinking that the intentions of the nation towards the King would be interrupted by his royal highness. But he would ask, if any son could have possibly shewn more attachment to a father, or any Prince have possibly behaved with more decorum to the King, than his royal highness had done. He would put it to the House then, whether they thought the present Bill ought to be allowed to pass into a law? He would repeat it, that it was the duty of parliament at the present moment, to take the whole arrangement of the Civil List, and of his Majesty's household into their consideration. What would be the harm then, he would ask, in waiting till they had sufficient information, and sufficient time to consider all this? But the right hon. gentleman had said that, if the bill should not now pass, the restrictions would expire on the 18th of February, and the consequence would be, that the Prince would be left completely without control. Now, if there was any subject on which he should wish the free and unfettered consent of the Prince, it was that of his future establishment, as he certainly was of opinion that any concession of his royal highness to the public would come with much more grace from him in the plenitude of his power, than at a time like the present, when it looked as if they were driving a bargain with him before he could get out of the situation. All that could take place on the 18th of February, would be that those disgraceful clauses would be done away, by which the Regent was prevented from making peers, and otherwise curtailed of the necessary powers of government. Did the right hon. gentleman really think that any thing improper would take place on the part of the Prince in the course of one fortnight? It would be satisfactory to the country, that a proper confidence should be reposed in the Prince Regent, and that proper means should be taken for placing him with sufficient dignity on the throne. The Parliament was itself responsible for the manner in which that was performed, and was bound to take care that he should be freed from any incumbrances which could, in the slightest manner, interfere with the splendour of the monarchy. He would conclude with thanking the House for the attention they had shewn him. He had conformed himself at present to the principles of the bill, without going into that detail, to which he might afterwards be inclined to enter in the committee. He did not wish to embarrass the government, but he could not help expressing his disapprobation of going into a committee at present on the bill, thinking that it would be preferable to put it off to a distant day, and wishing that a committee should be appointed for entering into an immediate investigation of all the matters, which could throw light upon the subject.

Mr. *Johnstone* said he was of opinion, that the House would not discharge their duty to the public if they agreed to the

Digitized by Google

arrangement in the manner proposed by the Bill, and did not provide for the independence of the Prince Regent by an adequate Civil List. They were also bound to take those wholesome precautions recommended by the constitution for securing responsibility in the expenditure. The right hon. gentleman who spoke last, had not entered into the details of the subject, and he should follow his example; at the same time he should observe upon one or two cases, in which he hoped he should not be accused of entertaining any narrow or mean views. He was disposed to think, that, making proper allowances for the alteration in the value of money, the expence in various departments of the Civil List would not be found to have exceeded that of the best times of our history; but when, in 1804, they were called upon to vote an excess of 200,000*l.* he would venture to state, that if there was not such a fund as the Droits of Admiralty, the excess would not have taken place; ministers would have economised better. This was enough to prove the impolicy and the improvidence of not adhering to the custom of our ancestors, by limiting the amount of the Civil List, without admitting the supply of any contingent fonds. He made no charge against any one, for the practice had obtained in all administrations, in that of Mr. Pitt, in that of lord Grenville, and in that of his right hon. friend the present Chancellor of the Exchequer; but that was no reason why it should be permitted, now that it was brought before the attention of the House. With respect to the Droits of Admiralty, some persons contended, that they belonged to his Majesty, upon the same grounds that all his other property did, but even if that were the case, it furnished no reason why they should not be regulated by parliament. He conceived that, even if his Majesty were in perfect health, it would be competent to them to debate upon all his revenues. If not, they had taken an unwarrantable liberty indeed, in voting for Mr. Burke's Bill. They had also taken a great liberty in regulating the amount of pensions to be granted out of the Scotch hereditary revenues. If it was said, that this competency was restricted to emergencies only, then he would answer, that this emergency had now occurred; so that the only question was, whether it became them to take a narrow and limited view or a large one. There was great force in what the right hon. gentleman who spoke last had said, as to the power and authority granted to the Queen. It was known that there were six persons under her influence in the House of Peers, and four in the House of Commons, and he thought it a necessary step to provide, that those gentlemen who were appointed to the different offices described in the Bill, should not have seats in that House. The importance of settling a specific sum for the Civil List, was great in point of economy, and if they legislated without a view to it, they would not do their duty. With regard to the Droits of Admiralty and other funds, much more might be said; but it was a disagreeable subject to touch upon, even though he could not be supposed to entertain a wish to make any invidious personal allusion. There was one instance, however, which proved in a remarkable manner the importance of adhering to the strict principle of the Civil List. The services of sir Sidney were well known; and no grant that any minister could propose for him would be refused by parliament; but he found that in 1811 a sum of 7,375*l.* had been paid to sir Sidney Smith, under the head of extraordinary disbursements, for services performed in Egypt and Syria in 1798. Sir Sidney Smith deserved this in a tenfold degree, for he rated high his services, not only in the repulse of the French at Acre, but also in the negociations carried on for producing their departure from Egypt. But if it was fitting to make this grant, why had it been delayed for so many years? This could not have happened if the principle of the Civil List had been adhered to. The House had a right, in his opinion, to regulate these Droits; and now was the time. It would be infinitely better to raise the Civil List at once to the probable amount of the expenditure, and to compel the minister to come to parliament; and account for every excess in that expenditure. He would not, however, vote against the Bill, though he had thought it right to make these observations that the House might be in possession of his view of the subject.

Mr. *Matthew Montague* begged leave to explain under what circumstances the payment to sir Sidney Smith had been made. The truth was, that it was a mere discharge, without even interest, of a debt due for money advanced, and he thought if it was justifiable under any circumstances, it was so in the present instance. It ought not to be believed that the grant

Digitized by Google

alluded to by his hon. friend was given as a remuneration or reward, for the public were yet indebted to him for conveying the court of Lisbon to the Brazils. He thought it but fair that this noble and generous person should have the advantage of an explanation on this subject, that it might be seen there was nothing like a surreptitious grant connected with his name.

Mr. *Johnstone* said, he did not state that the sum granted to sir Sidney Smith was out of the Droits of Admiralty, but out of the fund of extraordinary disbursements. He found that the claim was of twelve years standing, and concluded if that claim were just, that government must be wrong in withholding it.

Mr. *Montague* assured his hon. friend that he had stated the fact correctly, and that so far from that gallant officer being repaid, part of his pay as captain was withheld, while absent on another service.

Sir *Thomas Turton* confessed, that he felt considerable difficulty in objecting to a Bill which had for its object the maintenance of an establishment for a king so severely afflicted as the monarch of Great Britain, though he felt it his duty to express his decided opinion against the principle of it. From particular circumstances, he had not had it in his power to pay due attention to the voluminous documents laid upon the table, but even from the cursory manner in which they had fallen under his observation, he thought he could point out items in them which would render the addition of the 70,000*l.* proposed by the right hon. the Chancellor of the Exchequer wholly unnecessary. He requested members to direct their attention to the head of the diplomacy of the country: in the year 1804, the estimate for this expence, it would be remarked, was 62,000*l.* and yet the expenditure exceeded 158,000*l.* being an excess of no less than 96,000*l.* It might very reasonably be supposed, that some years ago, 62,000*l.* would not be deemed an extravagant sum, but in the present situation of the country, where we had so little occasion for diplomatic missions, surely it would not be denied that the excess of 96,000*l.* was a little extraordinary. It might be reckoned invidious to mention names; and no one, he hoped, could believe him capable of doing so from any unworthy motive: but he could not help adverting to the sum paid on account of the marquis Wellesley's mission to Spain. Nearly 16,000*l.* had been advanced for that occasion, and the sum was stated under two years (1810-11), though this nobleman, it was well known, had returned in a few months from the time of his departure on that mission. Yet for these few months nearly 16,000*l.* had been charged. This was a prominent feature. It, however, might possibly be a very proper item; but he wished to know that it was so; and that he could not know without further investigation. Such an investigation, therefore, he could not in justice to his constituents dispense with, and would do every thing in his power to promote it. The House had, as yet, no good grounds to proceed upon. Without agreeing exactly with his right hon. friend near him, he also was disposed to be liberal in his grants to the crown; but he repeated, that they would not do justice to their constituents, if they added one shilling to the public burthens without knowing the grounds on which they acted. They ought to be prepared to state fully the reasons of their proceedings to their constituents; and this he could not do without more accurate information on this subject. Possibly an explanation might be given in the course of this debate, and he should be glad to hear it, for he was not hostile to the principle of the Bill. He thought it absolutely necessary, however, that ministers should be under the necessity of applying to parliament for supplying any excess in the Civil List expenditure. The best plan would be to raise the Civil List at once to the probable amount of the expenditure, as had been suggested by a right hon. gentleman opposite; and that if any excess should take place, the minister should be obliged to apply to parliament, without the power of making up the difference out of the admiralty droits, or any other fund not under the control of the legislature.

Mr. *Whitbread* said, that there could be no question but that the claims of sir Sidney Smith deserved the highest regard; and, that his services were beyond all praise which it was in his power to bestow, was equally clear; but it appeared from what had fallen from several hon. gentlemen, that the House had an imperious duty to discharge with respect to that gallant officer; it owed to the Hero of Acre, (whose name, indeed, wanted no epithet) an opportunity to explain the item to which his name was affixed: it was not now a question whether his services merited the reward, which would be carried,

Digitized by Google

were it put, by acclamation; but it was a debt due to him to allow him, before a committee of that House, to justify or explain that claim which appeared in the documents produced. Not less was explanation due to the hon. gentleman sitting next to the Chancellor of the Exchequer, (Mr. Arbuthnot,) for whom he had much private regard, than it was to sir Arthur Paget and the marquis Wellesley, whose names were likewise inserted. Why some of those items had remained so long on the Civil List, and why debts so long due had not been before liquidated, was an inquiry which the public had a right to demand: they had a right to know in the first place, whether the sums stated to have been discharged, were in reality paid; and whether in the second place being so paid, they were due for services performed or debts incurred. What was the fact with regard to marquis Wellesley? After the noble marquis had received his appointment on a mission to Spain, he lingered several months in this country under circumstances peculiarly suspicious, every expence was gone to suited to the dignity of an ambassador from Great Britain; and yet when the accounts under the Civil List were produced, no less a sum than 16,000*l.* was charged in addition to the amount already incurred. He was charging nothing against any individuals: no doubt upon investigation it would turn out that the payments had been properly and necessarily made, but the country, the House, and the individuals themselves demanded, that, before a committee, the fullest explanation should be given. Before he could suffer the Speaker to quit the chair, for the purpose of going into a committee on the bill now depending, he called on the Chancellor of the Exchequer to assign some reasons, if any such existed, why the examination required should not be made. Hitherto the right hon. gentleman had sat in perfect silence, not condescending to make any reply, and the House was required, hoodwinked and blindfold, to declare by this Bill that the excess of 124,000*l.* ought to be incurred. The last enactment scarcely contemplated the possibility of such an increase, but it provided, that if it should ever occur, application was to be made to parliament. Had that application ever been made? No. And the reason was obvious; ministers had had recourse to a contingent fund, out of which they discharged the arrears, and of which contingent fund parliament had not, at the time when the former bill passed, the remotest conception. Would it at that time have been believed, that the arrears would amount, during 9 years, to the enormous sum, annually, of 124,000*l.*? And how did it come out that such was the fact? Not in any regular official way, but by a side wind when the present bill was brought forward. He thought that before it should pass, it was incumbent on ministers to explain to the House how it happened that the expences of the Civil List regularly exceeded the sum voted for it by about 124,000*l.* It might possibly be the case that the grant for the Civil List was below the necessary expenditure of it by that sum; but if such were the case, ministers ought to have laid before parliament the causes of this necessity. When the allowance for the Civil List was settled by parliament, they never contemplated that their grant would have been so far deficient; and if it was true, that for the last 9 years it was absolutely necessary that the expenditure should exceed by 124,000*l.* the sum allowed, parliament ought not to be left to guess at this necessity; but it should have been distinctly stated to them. By the letter of the act regulating the Civil List, it was necessary to come to parliament whenever the expenditure exceeded the income. The framers of that act had not conceived any other way of supplying a deficiency. They had never taken into their contemplation secret funds which could be applied to that purpose, such as the droits of admiralty, the proceeds of the duchy of Lancaster, and other things of that description. If the House were now to pass this bill as presented, they would be recognizing the necessity of an excess in the expenditure above the income of the Civil List, to the amount of 124,000*l.* annually, without having any proper information out of what fund this deficiency was to be supplied. He had no information which would justify him in voting, that it was necessary that the expenditure of the Civil List should exceed the income settled by parliament in so large a sum as 124,000*l.* annually; and, therefore, until he had such information he could not see how it would be possible for him to sanction that proposition by his vote. Independent of this consideration, there was something in the title of the present bill to which he felt the most serious objections. In the title of the bill, a necessity was stated for making provision for the better support

Digitized by Google

and arrangement of his Majesty's household. Now, it appeared to him that there was no such necessity; for when the whole government of the country was about to be confided to the Prince, it would be a supposition highly injurious to the feelings and character of a most affectionate son, to imagine that he would not be sufficiently attentive to whatever belonged to the care and comfort of his royal father, without the provisions of an act of parliament. The bill appeared to him unnecessary for what was its professed object, and to be really intended for no other purpose but to create separate sources of influence, which, in any change of circumstances, might operate very prejudicially to the interests of the country. The bill went to establish two separate courts. If those two courts drew together, it was evident that the influence of the crown would be very much increased; but if they were not to draw together, the public business might be much impeded. At present the House could know nothing of the intentions of the Regent but through those ministers who made him. Those ministers had made him say, that it was necessary for parliament to make this provision for his royal father; but to those who know the feelings of his royal highness, that provision would appear most unnecessary. When he looked at the bill now presented to the House, he could not avoid asking where was the necessity of all this machinery? why were the claims to be imposed so unnecessarily numerous? Let the claims on the honour of the Prince, let his debts, for that was the plain meaning of the word, be discharged. They had been long due, and an annual sum had been set apart for their liquidation, which, it was supposed, would have been effected before the year 1811. That, however, did not appear to be the case, and they were then called on to grant to his royal highness the sum of 100,000*l.* and an annuity of 70,000*l.* for an unlimited period, to discharge debts, which, whatever was their amount, must necessarily be limited. Was this right? Were the House of Commons to believe that his royal highness owed those debts without having received any communication from him? This was not the mode pursued in the year 1808. But it was not the fashion with ministers to advise his royal highness to make any communication. No; they were to guess that he wanted 100,000*l.* and they were to vote it; they were to suppose that he needed 70,000*l.* per annum, and it was to be paid, from an intuitive conviction, that his royal highness owed it. Was that a situation in which the House ought to be placed? Why were they not apprised of the state of the debt? Why were they not informed how many years this annuity should be allowed for its discharge? Was it customary to vote 100,000*l.* in money, and 70,000*l.* per annum indefinitely, not for the payment of the Prince's debts (for he would not believe any were due till it was proved), but as a source of secret influence, which might be exerted in parliament, either for the crown or against it? This bill teemed with influence: under it, three commissioners were appointed to take care of his Majesty's property; these gentlemen were to take an oath of secrecy, so that the parliament could know nothing of their proceedings: to the Queen, who was their mistress, to the Prince, who was not their master, they were bound to explain all their acts; but they must conceal every thing from the Commons' House of Parliament, who ought to be acquainted with every farthing expended. He conceived it right, in an argument of this kind, to put extreme cases; and he would ask, as had been done by an hon. baronet (sir F. Burdett), whom he did not then see in his place, suppose this money was laid out in the purchase of Cornish boroughs, suppose it was expended in procuring seats in that House, for the benefit of the real and personal estate of the King, though, in a narrow view, he might benefit by it, still, being destructive of the constitution, must it not ultimately be destructive of the monarch? When the two courts were constituted, a factious opposition from the Queen's court might be experienced by the ministers of the Regent, who were the proper ministers of the crown.—There was another point on which he would shortly touch. It appeared on the face of the bill, that the Prince Regent was willing to give up 50,000*l.* per annum out of his private Exchequer annuity. For his part, the moment the Prince assumed the reins of government, he thought that the Exchequer income should be merged altogether in the Civil List, that it should be completely put an end to; and, if a necessity existed for more, a new fund should be created. What he here complained of was, that no proof was laid before the House, to shew that the Prince had really given up this sum, although that principle was acted upon.

Digitized by Google

They had received no message on the subject; and, when the Journals came to be made up, he was sure nothing would appear to support the supposition, that the Prince had given up this property. On all these points he had wished for explanation, but he had received none. He had not had the good fortune to hear the right hon. the Chancellor of the Exchequer's statement. It had, however, been detailed to him by others; but, had he even heard it, he was convinced he should have discovered sufficient objectionable matter in it, to have induced him to oppose the bill going into a committee. Within a few days, papers had been laid before the House, many parts of which required explanation. The grants to the marquis Wellesley and sir Sidney Smith, which, doubtless, could be satisfactorily explained, demanded some farther information. No explanation had been afforded of the occasional disbursements; and here he must observe, that in the accounts from the Lord Chamberlain's department, many names were omitted, which, in the committee, he should call for. There he would also ask why the predecessor of the hon. gentleman opposite (Mr. Arbuthnot) was not named, because part of the expence was said to have been incurred by him in his mission to Constantinople? He could wish the postponement of the committee, that information might be received on those subjects. But even if that were conceded, the principle of the bill was such that he could not support it.

The *Chancellor of the Exchequer* began by observing, that the hon. gentleman who had just sat down, had complained of his having abstained from offering to the House any remarks or explanations on the subject before them. He could assure the hon. gentleman and the House, that no indisposition of that nature existed in his mind. He was anxious to give as satisfactory an explanation as possible of the various topics comprised in the bill; and he had withheld that explanation until the present moment, in order to give himself an opportunity of collecting the various objections which different hon. gentlemen entertained towards the measure. Had he risen immediately after the right hon. gentleman who opened the debate, he should have been precluded from hearing the observations of the several hon. gentlemen who followed. At the same time, while he frankly declared that he had not the slightest disinclination to explain that which required explanation, he trusted that the hon. gentleman who had just sat down, would not succeed in convincing the House, because he himself had fallen into a great misconception on the subject, that, therefore, his misconception and the misconceptions of others, not only called on him (the Chancellor of the Exchequer) to tender to the House an explanation of the point so conceived, but also called on the House to go into an enquiry on the subject. He rather thought indeed, that the whisper of the hon. gentleman's friend while the hon. gentleman was in the midst of his misconception, and which convinced him of his error, would sufficiently shew him that on that point at least, there was no necessity for any such enquiry as would impede the progress of the bill. He felt happy that he had waited for the speech of the hon. gentleman who had just sat down, for until the delivery of that speech, he was at a loss to know, from what he had before heard, how to address his arguments. He was uncertain whether the observations of the preceding speakers were in opposition to the principle of the bill or not. The question before the House was, whether or not the objections to the bill were of such a description, that it was their duty not to proceed with it without that detailed inquiry which had been so strongly recommended. The hon. gentleman had pointed out several items in the papers, into which he wished that some inquiry might be made, before he could acknowledge the necessity of agreeing to the grants in the bill. If on a view of the expences of the Household, and of the charges likely to be brought upon it, it should satisfactorily appear that no more was asked for, than what was indispensible, no inquiry could then be deemed necessary; but should any jealousy exist in the House with respect to any particular points, it would then become a different question, namely, whether that inquiry ought not rather to take place hereafter, than interrupt the important business in hand. Although on a general view of the civil list, it might appear completely satisfactory, that no greater sum was required than that which was sufficient to defray the expences of the household, there might be some points requiring subsequent detailed information. He would call in aid

Digitized by Google

of his argument, an observation made by the hon. gentleman himself, who entertained such a distrust of all estimates of the civil list, that he apprehended his royal highness the Prince Regent, by taking it at 50,000*l.* less than that which his royal father had received, would take it in a state insufficient to meet the charges to which it would be liable. This might be a very reasonable apprehension, but if so, there could be no reason in the apprehension that the grants proposed in the bill were too extensive, and demanded a previous inquiry. With regard to the observations on the expences in the Lord Steward's department; although those expences had unquestionably increased considerably at the period alluded to, it was almost certain, that in the estimate, the existing expenditure of the year in which it was taken, had been only partially considered. Much had also been said of the grants to Foreign Ministers. The right hon. gentleman who opened the debate, had said, generally, that a great number of those sums ought to be explained, but had not stated any particular item. The hon. gentleman, however, who had last spoken, had particularised several sums, which appeared to him objectionable on the face of them, and required explanation. The first thing which seemed to strike the hon. gentleman with surprise on this subject was, that when the number of missions at different courts were lessened, the expences should be increased. The House would observe, however, that there was no increase in the salaries. On the contrary, in the salaries there was a considerable diminution. But the hon. gentleman and the House ought to know (and in saying this, he went a great way towards giving the explanation required), that in the state in which things were on the continent, it would not be wise in many cases to send missions on an established salary. The duration of those missions was not likely to be long. In preference, therefore, it was advisable to send special missions; but the expences of these missions were defrayed in a very different manner from the others. The hon. gentleman declared, that an explanation on this subject was due to marquis Wellesley, who, by a misconception, he stated, had received the expences described in the papers over and above his salary. It was no such thing. The noble marquis had not received a farthing of salary on account of his mission to Cadiz. He had not received a farthing as a remuneration for his services. But the hon. gentleman characterised the expences as large, and seemed to think they were disproportioned to the length of the service by which they had been incurred. Now, it was very evident that the expences of a person going to any place in the character of an ambassador for a short time, must be much greater in proportion than the expences of a person going to any place in the character of an ambassador for a long period. The hon. gentleman also declared, that a debt of explanation was due to sir Sydney Smith. The House had already heard an explanation on that subject, and amply sufficient it was. They had heard that the money which he had received was in return for expences incurred many years ago. "Oh then," said the honourable gentleman, "the country ought sooner to discharge this obligation." But let it be recollected at what a distance these services were performed—in Egypt and the coast of Syria: what a difficulty there existed to procure vouchers of the expences: how frequently sir Sydney Smith was absent from the country, and consequently interrupted in the arrangement of the accounts; how anxious he naturally was that there should be every possible degree of exactitude on the subject; and it would not appear surprising that some delay had taken place. If, however, more explanation was thought necessary, he had no objection to the production of the details from the different offices: but he was confident it would not be found in those details that any sum had been given to sir Sydney Smith as a remuneration for his services. All that had been given was merely a remuneration for his expenditure. Let the hon. gentleman consider the nature of sir Sidney Smith's services, the character of the people with whom he had to deal, and the effectual way in which he discharged the trust reposed in him, and he did not think that he himself would deem the sum stated to be greater than, under all the circumstances of the case, it was proper to expend. (Hear, hear, from Mr. Whitbread!) The hon. gentleman cheered this observation, and yet it tended completely to confute his argument. Let the hon. gentleman cease either his objection or his applause. The two were incompatible. If, on showing that 7,000*l.* was paid to sir Sidney

Digitized by Google

Smith for his expences when employed, half in a military and half in a diplomatic character in Egypt and Syria, the hon. gentleman intimated that he did not think it an extravagant sum; on what principle could he say that there was due to sir Sydney Smith's honour and character any explanation, but simply a statement on what ground the expences were incurred? Parliament being employed, under the recommendation of the Speech from the throne, in making a provision for his Majesty's household, the hon. gentleman suddenly interrupted them in the midst of the business: "Oh, oh!" says he, "here is an item of 7,000*l.* to sir Sydney Smith; I do not think the sum excessive; I do not want any explanation for our own satisfaction; but for the purpose of clearing the honour and character of sir Sydney Smith, pray suspend all your proceedings, and arrest the progress of the bill at present under the consideration of the House."—The observations of the hon. gentleman on the expences to foreign ministers were all general, except those which related to sir Sydney Smith, the marquis Wellesley, Mr. Arbuthnot, and sir A. Paget.—The Chancellor of the Exchequer said, he trusted, that whatever might be due to any other party, he had not left the character of sir Sydney Smith exposed to any cloud or stain; and therefore the fine figure which the hon. gentleman so eloquently introduced of the debt of explanation due to sir Sydney Smith on this occasion, might serve to wind up a magnificent period in the hon. gentleman's speech, but had no relation whatever to the subject before the House. The same remark was equally applicable to what the hon. gentleman had said of his right hon. friend near him (Mr. Arbuthnot). The sum paid to his right hon. friend was distinctly and simply a return for the expences and losses which he had incurred during the mission on which he had been sent. Before any jealousy was allowed to exist on these subjects, at least justice ought to be done to those who were connected with them. Did the hon. gentleman conceive it possible that the affairs of a great nation such as England could be successfully carried on in such missions as he had described, if the individuals employed in those missions found themselves actually ruined in the discharge of the important trust reposed in them? Let the House consider the manner in which Mr. Arbuthnot's mission terminated; he was obliged to make a precipitate retreat. The hostility of the court at which he was a resident rendered it necessary for him to do so. He was compelled to leave every thing behind him. Not a single article of the charge was there that had not undergone the strictest scrutiny by the Treasury, and all that really was paid over to Mr. Arbuthnot was merely a fair return for the losses which he had inevitably sustained. When this occurrence took place he and his right hon. friend were perfect strangers to each other. Mr. Arbuthnot was not then secretary to the treasury, so that it could not be suspected that any undue influence existed favourable to his right hon. friend but unjust to the public. These observations would serve as an answer to all remarks on missions abruptly terminated. It was but just that the individuals who suffered, should successfully apply to the country for redress. If, however, any further scrutiny on the subject were thought necessary, let it be entered into, but let not the progress of the Bill before the House be impeded by a circumstance so little connected with it.—He came now to the consideration of what had been said respecting the commissioners whom it was proposed to appoint, for the purpose of managing his Majesty's private property. On this subject he certainly had on a recent occasion replied across the table to a question put to him, by a right hon. gentleman opposite, that it was his intention to propose salaries to these commissioners to be paid out of the proceeds of the property itself. He had since, however, reason to believe that he should be able to find persons who would willingly take upon themselves that charge, without receiving any salary; and he should therefore omit in the Bill all mention of salary whatever. The right hon. gentleman professed to feel great difficulty in legislating at all on the king's private property: so should he. But unquestionably, as his private property, his Majesty had a right to expect that it should not be lost to him. The right hon. gentleman, after the profession of difficulty in legislating on the subject, proceeded to the conclusion, that the king's private property was a thing which might be taken from his Majesty without any ceremony. He did not think that many of those who in the first instance were of opinion that it was an extremely delicate thing to legislate respecting the king's private property, would immediately afterwards manifest a disposition to

Digitized by Google

jump at it, and take it away altogether. If at the end of the year the expence should exceed the estimate by 10,000*l.*, that excess should be communicated. Undoubtedly this provision would not ensure the non-occurrence of any excess; but it would insure this; that the error, if any should take place, would be known and declared in the time of the minister under whom it had occurred, and that parliament should have the opportunity, in his presence, of considering how far it was or was not justifiable.—Another objection made to the measure by the right hon. gentleman, related to the manner in which the funds granted to his royal highness the Prince Regent were left at his disposal. In the first place he could not agree with the right hon. gentleman, that parliament were making final arrangements as for the Prince's coming to the throne. They were only making arrangements for the better management of the Household during his Majesty's indisposition. It was no final arrangement, as for the Prince's coming to the throne. It would not be dealing fairly with the House to say there was complete and utter despair of the king's resuming the royal authority. Nothing existed to justify so dark and gloomy a view of the subject. If, therefore, parliament kept in mind the possibility of his Majesty's recovery, they must also keep in mind the possibility of the Regent's return to the situation of Prince of Wales. How, therefore, would they be justified, under such circumstances, in breaking down his Exchequer revenue? With respect to another part of the subject connected with his royal highness, on this as well as on all other questions, wherever there was an alternative, the side which he (the Chancellor of the Exchequer) took was always pronounced to be erroneous by the right hon. and hon. gentlemen opposite. They had so pronounced his proposition in the present instance. Had he come down to parliament with that which they now affected to prefer, he had himself not the smallest doubt but they would have been equally alert in their objections, and would have referred to what had passed on a former occasion. He should in that case have been asked by them, whether it was fair again to bring a matter before parliament, which had already been decided upon, and upon which it had given warning to future creditors of his Royal Highness that they would enjoy no legal obligation for the payment of their demands. This, he was persuaded, had he proposed the measure now recommended by the right hon. gentlemen opposite, would have been the ground which they would have taken; unless, indeed, he had experienced a singular good fortune, of which no precedent existed. He was persuaded, however, and he trusted that the House would think with him, that the mode proposed by the Bill, was the mode most consistent with their duty, both to his Royal Highness, and to the country. It had been asked, if it was intended to constitute two privy purses? Certainly, it was intended to give his royal highness the Prince Regent a privy purse. To this the right hon. gentleman had no objection. Then as to the charges incurred during the present reign, it surely would not be right to encumber the Regent with them, nor with the expences of the medical men, which the unhappy state of his Majesty rendered it necessary should be about his person. All these charges would come with propriety out of the 60,000*l.* allotted to his Majesty for such purposes. Adverting to what had been said by the right hon. gentleman respecting the Princesses, he observed that he had been very much misunderstood on that subject. The right hon. gentleman asserted that he had said, that when the Princesses were in town they would live with the Prince, and that when they were in the country they would live with the Queen. He had said no such thing. When asked if any arrangements had been made on the subject, he had replied that he had received no commands to make any distinct statement upon it to the House; but that it did appear to him a thing desirable, and that it would appear to parliament desirable, to make some arrangement for that purpose. Deprived of that aid which their royal highnesses had been accustomed to receive from their father, he did conceive that their situation might afford a proper subject for the deliberation of parliament, to consider whether any, or what assistance should be furnished them.—There was one point of the new arrangement, however, on which both the right hon. and hon. gentlemen had thought fit to lay great stress. It was that part of the establishment which was reserved to attend on his Majesty's person, and which was to be under the controul of her Majesty. There were various objections to this part of the proposition: the first was to the extent of the establishment so reserved. It might be recollected, that on a former

Digitized by Google

occasion he had stated it to be his opinion that the House would not do well if they provided in this respect, as if his Majesty must remain in the unhappy state in which he was at present placed: and that they ought to consider the possibility of his regaining complete consciousness, even should he never be enabled to resume the reins of government. But he was accused of not having put questions on this subject to the physicians. There was no reason for putting them. They had distinctly stated that there were intervals in which he was capable of enjoying the society of his family.—("Not since July," from the Opposition Benches.)—That was true; but there was no reason to conclude that the thing was impossible; and when cases of a similar description were considered, it appeared that it was not less probable since that period that his Majesty should recover the consciousness to which he alluded, than that before that period he should have recovered the power of being able to exercise the royal authority. If, therefore, the House at all took this circumstance into consideration they must determine that something like the dignity of a king should surround his Majesty, and surely that which was proposed was not too much for such a purpose. But the principal objection, it seemed, lay to this establishment being placed under the controul of the Queen. The hon. gentleman affected to perceive in that circumstance symptoms of a continuance of that most determined and settled distrust of his royal highness the Prince Regent, which, according to him, had pervaded the whole of the propositions which he had thought proper, on a former occasion, to submit to the adoption of parliament. Now, really, if the hon. gentlemen opposite could find out any motive by which the most despicable and most foolish of men could possibly be induced, under the present circumstances, to evince a deep and marked disrespect towards, and distrust of, his royal highness the Prince Regent, he left them to enjoy their discovery. For his part, he was not conscious of any feeling in his own mind so absurd. But let the House see what those who were so tenderly anxious about the Prince Regent's feelings and character proposed. They contended, that because his Royal Highness was worthy of confidence (in which he cordially concurred with them), that therefore the whole controul of his royal father's household should be left in his hands. They thought this would conduce to his ease and comfort. For his part, he could not conceive a more invidious situation than that in which such an arrangement would place the Prince Regent, nor could he imagine any thing more revolting to his royal highness's feelings. The hon. gentleman opposite acknowledged that the care of his Majesty's person ought to be entrusted to the Queen. If, therefore, any distrust of his royal highness existed, here was distrust of the blackest kind. But, surely, if it was right that the person of his Majesty should be placed under the care of the Queen, it was also right, that the attendants of his Majesty should be placed under her Majesty's controul; and he was persuaded that nothing could be more grateful to his royal highness's feelings than that it should be otherwise arranged. The right hon. gentleman, however, seemed to think that he (the Chancellor of the Exchequer) and those with whom he had the honour to act, had no means of knowing the sentiments of his royal highness, because of the restrictions under which he was placed. But he would ask the House whether, if his royal highness really thought that his ministers were insulting and degrading him, there was any thing in these restrictions so soon about to expire, which would so restrain him in the exercise of the royal functions as to induce his royal highness not to withdraw the sanction of his authority from such servants? But if it were supposed that ministers were ignorant of the Prince's pleasure, at least it ought not to be supposed that they would be so absurd as to propose any thing to parliament highly offensive to his royal highness. The House ought rather to believe that the subject had been submitted to the mature consideration of his royal highness; that his royal highness had been advised to adopt the plan which had been submitted to parliament; and that that advice had been accepted. No one could suppose for a moment that his royal highness was not as free to change his ministers, or that he did not possess as much authority in his councils, as if those restrictions which were so soon to terminate, had already expired. With regard to the situation in which his royal highness would have been placed, had the controul over his Majesty's person, and the invidious task of doling out such a portion of the Civil List as he thought proper, been committed to him, he had no hesitation in saying, that

Digitized by Google

the situation in which the Bill before the House would place his royal highness, manifested a much more delicate attention to his character and feelings. Had the other course been pursued, had it been proposed by him to transfer the whole controul to his royal highness, then he should have been told (and told with infinite justice) that it was casting an invidious task upon his royal highness, and laying by in order to have a future opportunity of insinuating that the royal father had been neglected by the royal son. On this and on every other occasion, he had proposed that which had appeared to him to be the best plan. The hon. gentlemen opposite called it the worst, but at least he hoped the House and the country would think it much better than any thing they had suggested. What evils did not the hon. gentleman affect to see in this proposed establishment! What patronage! Four lords of the bedchamber! and all the pages! Then so many seats in parliament! and that was the retreat he had prepared for himself! This had been called a new court. As individuals surrounding the monarch, they were unquestionably a court. But there was nothing new in this. When his royal highness the Prince of Wales arrived at that period of life when an establishment became necessary for him, an establishment was formed, and parliament entertained no apprehensions of the influence which his court would occasion. Surely the constitution of England was not so nicely balanced that four lords of the bedchamber could overturn it, even with the addition of all the pages. He could not conceive that, either in or out of the House, there could exist on the one hand any rational apprehension of the constitutional jealousy which the co-operation of the two courts might be the means of occasioning; or, on the other hand, any rational apprehension of the inconveniences which the hostility of the two courts might be calculated to promote or produce. Minuter details he would reserve for the Committee. He had gone as far as he could to obviate the general objections to the measure. He trusted the House would feel that no one could vote against the principle of the Bill who did not think that it was radically wrong to propose any arrangement before the expiration of the restrictions—that it was improper to surround the King with any dignity, and equally improper to entrust the Queen with the controul of those individuals who were to be in attendance on her royal consort's person. If the arrangements were too extensive, in the Committee they might be curtailed; if they were too limited, in the Committee they might be increased. The general principle was that on which the House had at present solely to decide.

Mr. *Arbuthnot* thanked the hon. gentleman opposite for the opportunity which he had afforded him of assuring the House that he was anxious that the fullest and most unreserved examination should take place into the accounts which had been alluded to. He must also express his acknowledgments to the hon. gentleman for the handsome manner in which he had been pleased to speak of his private life, and he hoped, when the accounts were examined, the hon. gentleman would see nothing in his public conduct, which would preclude him from a continuance of his good opinion. Unquestionably, the sums in the accounts to which he had alluded were large. He felt that an explanation was necessary, both for his own sake and for that of the country, and he repeated, that he was really and sincerely anxious to afford all the information on the subject that it was in his power to provide. He flattered himself, that until that elucidation should take place, the candour of the House would rescue him from any unjust or ungenerous imputations on his conduct.

Mr. *Ponsonby* said, it was a great mistake on the part of the right hon. the Chancellor of the Exchequer, to suppose that either his right hon. friend (Mr. Tierney), or his hon. friend (Mr. Whitbread) had, in any unqualified manner, condemned the charges that appeared under the head of extraordinary disbursements, still less had they condemned the individuals to whose names those charges had been annexed; it was unfair in the right hon. gentleman to argue as if they had done so, when the least consideration must have reminded him that they had not. What was the simple statement of the question? A considerable increase to the expences of the Civil List was proposed, and not a single voucher or document was laid before the House to shew the necessity of that increase, save the mere naked assertion that there was an excess in the expenditure over the income. Was this, he asked, a parliamentary ground? From what did this excess proceed? Ought not parliament to know the cause of the excess before they proceeded to discharge

Digitized by Google

it? Did they know that extravagance in the expenditure was not the cause? And before they were satisfied that it was not the cause, how could they vote that the mere fact of that excess was sufficient ground for granting what that very fact might turn out to be the best ground for refusing? This was the general reasoning of his hon. friends; and yet the right hon. gentleman thought that he treated that reasoning fairly and frankly, when he overlooked the general principle upon which it rested, and turned aside to trifle upon personal allusions that were never meant, that could not apply, and by his hon. friends, at least, had never been intended. Was the right hon. gentleman serious when he affected to think that his hon. friend meant to censure the conduct or invalidate the claims of sir Sidney Smith? The right hon. gentleman must know that every thing opposite to censure was meant. Was there any thing personally invidious in the manner in which his hon. friend had commented upon the charges annexed to the name of the hon. gentleman who spoke last? What had that hon. gentleman himself admitted? he had frankly stated, that the sums were of a nature that required, that called for explanation: and yet the right hon. the Chancellor of the Exchequer thought it a high crime and misdemeanor against the private feelings of those gentlemen, to require that explanation which one of them had volunteered to declare as essentially necessary to the satisfaction of himself, the House and the country: and yet, with this evidence before them, it was, in the judgment of the right hon. gentleman, criminal even to suggest the propriety of furnishing the House with this information, which was the full extent of the offence laid to the charge of his hon. friend. He had only asked that these monies should be accounted for, and would any man lay his hand upon his heart and say, that there was then before him sufficient evidence to justify the vote of these respective charges? Did any man know how they had been incurred? And would they vote to defray them without first knowing that? He had been accused of not understanding the plan of the right hon. gentleman. He could not help his understanding, and he was but too well aware of its slowness of comprehension to attempt to stand up in that place in defence of it; but his dullness on this occasion was not without very high sanction. For it appeared that the right hon. gentleman himself did not at first fully understand his own scheme. He had, upon the night of introducing it to the House, proposed the appointment of three commissioners to superintend the private property of the king, and to each of whom he proposed to give a salary of 1,000*l.* a year. This the right hon. gentleman did from not understanding the nature of the property so to be audited; but when the matter became gradually more intelligible to the right hon. gentleman, then he was of course enabled to render it more intelligible to others.—With regard to the remarks that had been made as to the opinions of the Prince, or the distrust shewn towards him as Regent, he should dismiss them with one observation, that he thought it neither constitutional nor very respectful towards that House, to introduce into the midst of its discussions any mention of the feelings or motives of the head of the executive government, to influence or sway the proceedings of a British House of Commons. He thought therefore that the right hon. gentleman would have acted more wisely in abstaining from observations affecting whatever might be supposed to be the motives of the Prince as Prince Regent, at the same time that he entirely concurred with him in thinking that the present ministers came before parliament with all the sanction that the constitution gave to the reputed servants of the crown, in originating any measure in that House.—He had two objections to the principle of the Bill. The first was, that it did not give the entire administration of the household to the Prince. This the right hon. gentleman described as placing the Prince Regent in an invidious situation. Now he thought otherwise: he was not to presume that there could possibly exist a minister so lost to every sense of public or private duty, as to be capable of advising the Prince Regent to do one act that could tend in the slightest manner to diminish the means of comfort and consolation, of which the unfortunate state of his royal parent was susceptible. Secondly, as to the property of the Prince, he did not see why that of the Regent should be less than that of the King; and as to the engagements of honour, he asked what parliamentary knowledge they had of those engagements? Besides, he spoke as a member of parliament, when he said that he felt an unconquerable objection to any branches of the royal family receiving any

Digitized by Google

grants but what were publicly given by parliament; and there ought to have been a message to that House from the Prince; it would have been the more dignified and constitutional mode of proceeding; there would have been no reluctance on the part of that House to deal most liberally with the Prince. Before he sat down, he must advert to the ridicule which the right hon. gentleman had thrown around what was thought by him to be a vain fear of danger resulting from the existence of two courts. They ought, however, to bear in mind the lessons of history upon this subject, and to legislate, not according to their well grounded hopes of what would happen, but according to their remoter fears of what might happen. Her Majesty had, independently of this new court, 58,000*l.* These together conferred a power and influence which, in other hands, might lead to considerable abuse. The right hon. gentleman concluded by expressing his determination to oppose those parts of the Bill to which his objections applied.

Mr. *Adam* said he should shortly trouble the House, by stating why he should vote for the Speaker's now leaving the chair. The principle of the Bill was one in which almost every gentleman agreed; but when he looked at the clauses of the Bill, every single clause seemed to raise a distinct principle. If that was so, in a measure of so much importance, which went to the very foundation of the monarchy, which was not at present complete, he was of opinion no time should be lost in going into the committee. He should not now enter into the details of the Bill, as these might be so much better discussed in the Committee, where they would not be under the fetters by which they were bound in the House. There was only one clause to which he should now allude, and if it should receive a minute discussion in the Committee, he pledged himself to meet it, and to give such an explanation on the subject as, he trusted, would prove satisfactory. The clause to which he alluded was that by which it was proposed that 50,000*l.* a year should be transferred from the Exchequer Income of the Prince Regent, to the Civil List, while the remaining 70,000*l.* was retained by his Royal Highness. He trusted he should be able to satisfy the mind of every man of honour and of honesty, that this was an arrangement strictly becoming, and the very best, which, in the circumstances of the case, could be resorted to. There was another clause, which regarded the expenditure under the Civil List, as to the items of which there were at present a number of documents on the table of the House. These it would be still competent to look into, even after the present Bill had been passed into a law. They were introduced into this Bill, that it might appear, that, at the time when his Royal Highness took on himself the administration of the Civil List, it was inadequate to the purposes for which it was granted, and that this inadequacy was not imputable to his Royal Highness. He thought the present was the most fit of any Bill that he ever recollected on the table of that House, to go to a Committee, because every clause in it went to a separate measure.

Mr. *Tierney* explained, that his object was not to oppose the Bill going to a Committee, although, if he consulted his own individual feelings, he might even have gone that length. His object at present was, only to postpone going into the Committee for a time, till they could procure information on certain points which were necessary to be ascertained, in order to enable the House to come to a fair understanding of the measure.

The House then divided, on the question that the Speaker do now leave the chair. Ayes 141—Noes 59—Majority 82.

List of the Minority.

Abercromby, J.	Hamilton, Lord A.
Adair, R.	Halsey, J.
Althorpe, Lord	Herbert, Hon. W.
Babington, T.	Horner, F.
Baring, A.	Hutchinson, C.
Barnard, S.	Howard, W.
Bennett, Hon. R. H. A.	Howarth, H.
Brand, Hon. T.	Hume, W. H.
Brougham, H.	Jackson, J.
Busk, T.	Knight, R.
Colborne, N. W. R.	Kemp, T.
Combe, Harvey	Lamb, Hon. W.
Creevey, T.	Littleton, W. H.
Cuthbert, J. R.	Lloyd, H.
Dundas, L.	Macdonald, J.
Duncannon, Lord	Martin, H.
Eden, Hon. G.	Mathew, Col. M.
Elliott, W.	Moore, P.
Ferguson, Gen.	North, D.
Folkestone, Lord	Ord, W.
Frankland, W.	Ossulston, Lord
Fremantle, W. H.	Parnell, H.
Giles, D.	Phipps, Gen.
Gower, Lord	Prettie, Hon. F. A.
Greenhill, R.	Ponsonby, G.
Grenfell, P.	Ridley, Sir M. W.
Guise, Sir Wm.	Sharp, R.

Digitized by Google

Smith, J.	Whitbread, S.
Scudamore, R. P.	Wrottesley, H.
Turton, Sir T.	Vernon, G. G. V.
Tierney, G.	

Mr. W. Smith was shut in, and counted, against his inclination, with the Majority; but by the same accident, general Phipps was shut out, and counted with the Minority.

The House having gone into a Committee on the Bill, the first clause, granting to his Majesty, during his indisposition, a farther sum, to be paid out of the Consolidated Fund of Great Britain, was read, and the blanks were filled up with 70,000*l.* to commence from the 18th February 1812.

The *Chancellor of the Exchequer* proposed that the other clauses down to clause 14th should be postponed, it being his intention to divide the Bill into two, and to incorporate the clauses omitted into a separate Bill.

The 14th clause being read, by which it is declared that his Royal Highness the Prince Regent has been graciously pleased to declare his intention of transferring the sum of 50,000*l.* issued to him annually from the exchequer, in aid of the revenues of the Civil List.

Mr. *Tierney* wished to know where that declaration of the intention of his Royal Highness was to be found.

The *Chancellor of the Exchequer* apprehended, that the statement of the ministers of his Royal Highness the Prince Regent, that such was his intention, was sufficient. If gentlemen should be of opinion, however, that this was not enough, it might be sufficient, on a future day, to signify his Royal Highness's assent in a more formal manner.

Mr. *Tierney* was of opinion, the consent should come from the Prince of Wales, and not from the Prince Regent.

Mr. *Whitbread* asked, did not the right hon. gentleman think that the consent, or whatever else he wished to call it, should be brought forward in a more formal manner? In such a way, at least, as that it might appear on the Journals? Should it not be in the form of a message?

Mr. *Fremantle* was of opinion, that till they saw the declaration of his Royal Highness, the House could not proceed a single step.

Mr. *Ponsonby* did not wish to be captious, but still he did not see how the Committee could proceed, no consent or declaration of his Royal Highness having been referred to them.

The *Chancellor of the Exchequer* said, he believed it would be better, as a matter of form, that the chairman should report progress, and ask leave to sit again.

The chairman accordingly put the question, which was agreed to, and the House resumed, when the chairman obtained leave for the Committee to sit again that night.

The *Chancellor of the Exchequer* then signified the consent of his Royal Highness the Prince Regent to the appropriation of the 50,000*l.* a year from his Exchequer Income, as specified in the Bill.

The *Speaker* said, that this was exactly similar to a case in the year 1760, when the King's consent was presented to a Bill then depending, in which his Majesty was interested.

Mr. *Tierney* contended, that a consent of this kind ought to be in writing. It ought, he should imagine, to be by message; and that, too, not from the Prince Regent, but from the Prince of Wales, the latter being the character in which the consent was given.

The *Chancellor of the Exchequer* said, his Royal Highness combined both characters in himself, and he unquestionably had his Royal Highness's authority to declare the present consent on his behalf.

The *Speaker* said, the Prince of Wales surely could not be divested of any property standing in his name without his own consent. The House however had, on such occasions, often thought it convenient to go through even to the last stage, before any consent was given. Such consent must undoubtedly be ready to be given, whenever required, and must in all cases be produced before the passing of the Bill; but there was no occasion, nor was it the practice that this should be done by message: if consented to, that consent was taken verbally.

Mr. *Tierney* still submitted that the consent ought to be by his Royal Highness in his capacity of Prince of Wales.

Mr. *Adam* said, that there was no doubt of the identity of person in the Prince of Wales and Prince Regent. This was a matter of state, and the proper persons to be conferred with by his Royal Highness on such occasions, were, unquestionably, his ministers, and it was they, of course, who were to signify his Royal Highness's consent to this measure. It might seem absurd in him to say, if his right hon. friend chose to separate the Prince of Wales from the Prince Regent, that he

Digitized by Google

was ready to give the consent of the Prince of Wales to this measure; though he must say, that the proper consent had already been given by the right hon. gentleman, who had been conferred with by his Royal Highness, as having the arrangement of the whole of the business.

Mr. *Speaker* said, in point of form, the whole was now complete, and the only entry necessary to be made on the Journals was, that the measure was consented to on the part of his royal highness.

The House again resolved into a committee on the Bill, when

Mr. *Brand* objected to the sum of 70,000*l.* remaining at the disposal of the executive in addition to the present Civil List. He wished to know, why the whole 120,000*l.* which formed the Exchequer income of the Prince of Wales, was not transferred to the Civil List, instead of the 50,000*l.* as specified in the clause in question? He put the question in hopes of the promised explanation from his hon. and learned friend.

Mr. *Adam* said, a considerable deal of reference had been made to some peculiarities in the situation of his royal highness the Prince Regent, which some gentlemen called honourable obligations, and which others gave the real term, debts. It was of very little importance, however, what denomination was applied to them. From the year 1795, his royal highness had not been in the course of managing his own affairs, but the course was, when an account was not paid after the lapse of a quarter, that the person claiming it should give ten days notice to the proper officer, and if he failed to give such notice, the demand could not afterwards be recovered; or if the officer neglected to give it in, he himself became liable to pay it. It was impossible that in such an establishment, things could go on with such strictness as this, and it was an additional trait in his royal highness's honourable character, that he would not suffer any persons to be sufferers by omissions such as these. It so happened that in 1803, there were debts which could not be liquidated; and at this time, three times 60,000*l.* were given to his royal highness by anticipation. There were a number of obligations of honour due by his royal highness. One of them being a debt to the Elector of Hesse, or as it was then called, the Foreign Loan. One half of these were to be paid by commissioners appointed for the purpose; and the other half being an obligation of honour, his royal highness took on himself. There were a number of creditors, from whose accounts a deduction of ten per cent. was taken by the persons appointed to investigate them. From many this deduction was properly made, and from others not. But his royal highness thought himself in honour bound to pay this to them all. It was at this time clearly understood that his income was to suffer no defalcation, but that a certain proportion of it was to be applied in payment of his debts. The income tax had then ceased, but being soon after renewed, by the strict letter of the law, his royal highness became subject to the property tax, by which means 12,000*l.* a year of that fund, which his officers had calculated upon for the discharge of his debts, was swallowed up, and produced a considerable embarrassment. In these circumstances they went on for two or three years; and in the years 1808 or 1809 there were other demands of a personal nature which fell on his royal highness, and he, anxious to save the public from any fresh burden on account of his family in a time of war, himself discharged this obligation, to the amount of 49,000*l.* These different sums, on which he had no idea he should have been called on to pay, amounted to 175,000*l.* These were assets which his royal highness had a right to calculate on, and which would have gone a considerable length in the payment of his debts. There was, however, another peculiarity in the situation of his royal highness. He lived in a royal palace, and for his house, unlike all other royal palaces, he had been obliged to pay taxes and other burdens, even where the furniture was not his own, to the amount of upwards of 4,000*l.* a year. He had even laid out sums of money in repairing and beautifying what was really a royal palace. These sums in the whole would go nearly to the full payment of all the debts of his royal highness, excluding the foreign claims. Up to the year 1809, his royal highness had paid 12,000*l.* a year to the Princess of Wales, and from that time he had encreased it to 17,000*l.* So that the amount of his obligations at this moment exceeded 53,000*l.* a year; and, in the situation in which his royal highness was now placed, having to step from Prince of Wales to Prince Regent, his first wish was, that those obligations of honour should not be defeated, while at the same time as little additional burden

Digitized by Google

as possible should be thrown on the country. If there was a measure calculated to effect this object, he (Mr. Adam) thought the present was that measure. From 16 to 17,000*l.* a year additional was necessary to liquidate all these demands, and his royal highness could not, in these circumstances, propose to hand over to the Civil List a greater sum than 50,000*l.* a year. He was in hopes, however, that the affairs of the Civil List might after this be carried on without any additional burden to the country. The Prince of Wales made no additional charge on the public on his own account. Supposing for a moment he was to give up the 70,000*l.*? Suppose he was to come to parliament, and ask of them as he did before? If he addressed himself *ad verecundiam* of gentlemen, he could not doubt that they would think it proper that the whole amount of his royal highness's debts should be paid. He (Mr. Adam) could say, that it was not the intention of his royal highness to set up his claim on account of Cornwall; but, to his mind, it formed a strong feature in his royal highness's case. Taking all the sums he had expended, and by which he had improved the royal palaces; all the sums he had paid, which never Prince before paid, amounting altogether to upwards of 300,000*l.* besides his claim on account of Cornwall, on which subject anxious and deliberate opinions had been given, all in his royal highness's favour, by a Lord Chancellor of England, a Lord Chancellor of Ireland, and a Chief Justice of the court of Common Pleas: when these things were considered, and when his royal highness came and asked of parliament only to enable him to fulfil the honourable obligations he had entered into, he asked, ought not such a claim to pass, not only as necessary, but by acclamation? He (Mr. Adam) was one of the persons by whom the trust to which he alluded was formed; and he could say, that not only had it not been impeded, but it had been accelerated by his royal highness. From his own property of Cornwall, about 60,000*l.* had been received, all of which had gone in discharge of his royal highness's debts, except 3,000*l.* Of these he (Mr. Adam) himself had sent 1,000*l.* to one, another 1,000*l.* to a second, and the third 1,000*l.* to a third object of liberality, which did honour to the heart of his royal highness, [Hear, Hear!] Of the trustees by whom his royal highness's affairs were managed, he should say nothing. The House would form their own judgment on that head. Besides himself, they consisted of col. M'Mahon and Mr. Coutts, his royal highness's banker. He trusted they had at least acted like honest men.—The hon. and learned gentleman concluded in words to the following effect: I have now said all that is necessary to give the Committee a just impression of the situation and conduct of his royal highness. I trust I have done it with perfect respect and order as it regards the House, with sincerity to the country, and with fidelity to the Prince. This is probably the last act of my parliamentary life—the last time I shall have an opportunity of addressing you within this House. Circumstances which it is of no consequence to the world to know, have rendered it necessary for me to resume my professional avocations. I hope, however, I may indulge that elation of mind which can alone result from a consciousness of having acted right, and that I am closing a long political life, with the reflection that I have honestly discharged my duty. [Hear! hear!]

Mr. *Brand* stated, that if the explanation which had been just given by his hon. and learned friend had been offered in an earlier stage of the debate, he should not have troubled the House with his objection. Although he was of opinion, that the present mode of meeting the exigency was not well selected; still he thought, after the candid statement just made, the House would no longer object to relieving the embarrassments of the Prince.

Mr. *Tierney* said, that after the full and satisfactory statement of his respected friend, there could be but one feeling in that House, or the country, on the subject of the Prince's conduct as to his honourable engagements; nor could he help observing that there was no one to whom the honourable fulfilment of an honourable engagement could be better entrusted, than to one of such acknowledged accuracy and fidelity. It appeared that the Prince's debts were in a train to be disbursed, when the plan was prevented, partly by the visitation of Providence and partly by the provisions of an act of that House. As the Prince had been placed in an unexpected situation, in which it was the duty of parliament to assist him, it was their duty to interfere between the Prince and his creditors, and to relieve those embarrassments which its own enactments had brought

Digitized by Google

on; yet he disapproved of the proposed method of extinguishing these difficulties; it was one by which no saving would accrue to the country, and which would put the Prince under the unpleasant appearance of drawing annually a large sum from the public. He hoped, therefore, that some member of higher authority than himself, and whose character and rank might place him beyond suspicion of a sinister motive, would speedily bring forward a specific motion to place the Prince in that situation in which all his well-wishers must wish to desire him, with his mind free from all anxiety, and capable of devoting its entire faculties to the public service.

The 14th clause was then passed.—On the 15th clause being read,

Mr. *Giles* opposed it, principally on the ground that it was incorrect to say that the deficiencies had been all made up, those arising in the year 1811 being not yet supplied.

Mr. *Brougham* objected strongly to what was here proposed; that in addition to a civil list already amounting to upwards of 1,000,000*l.* a still farther addition of 124,000*l.* should be made, and, that, too, out of a secret fund, without being appropriated by parliament.—He also opposed the manner proposed by the right hon. gentleman of filling up the blank, because he found that the estimate of 1804 was framed upon three different successive Reports of Committees of that House, and he therefore submitted an amendment, which he did not wish however to press to a division, "That instead of applying to parliament when the excess rose to 120,000*l.* the application should be made as soon as such excess amounted to the sum of 10,000*l.*"

A division being now called for, the gallery was cleared, and the numbers appeared to be 105 for the clause, 33 against it. The other clauses being then read, the House resumed, and the Report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Tuesday, January 28.

LOCAL MILITIA.] Mr. *H. Addington* said, that understanding it to be the intention to introduce a new Local Militia Bill, and to dismiss those who had completed their four years service under the present regulation, he thought it right that the House should be furnished with certain documents on that subject before any step was taken in it, and for those documents he should now move. He knew from his own experience, that in the corps, at the head of which he had the honour to be placed, consisting of 700 men, there were no less than 300 out of that number willing to remain, so that if a similar spirit existed in other corps, in the same proportion, the intended Bill would be rendered altogether unnecessary. He called upon the noble lord, who was the father of this measure (lord Castlereagh), and whom he was happy to see now in his place, to watch over it with a truly parental attention; and he was confident that if proper care was taken, the country would at the end of the 4 years possess 40 or 50,000 effective Local Militia-men. He then moved,

"That there be laid before this House, a Return of the whole Local Militia force of Great Britain, if complete, according to its present establishment, distinguishing the number in each county; also a return of the number of Local Militia-men, including non-commissioned officers and drummers, enrolled and serving at the period of their last respective training, specifying the numbers in each county; also a return of the number of men who will be entitled to their discharge from the Local Militia on or before the 25th of December 1812, on account of their having completed their four years service, specifying the numbers in each county."—Ordered.

PETITION FROM CAITHNESS RESPECTING REFORM OF PARLIAMENT.] Mr. *Sinclair* said, that he had been instructed by his constituents to present to the House a Petition, which he now held in his hand, expressive of their sentiments on the subject of Parliamentary Reform. The anxiety of the freeholders of Caithness to take some opportunity in the course of the present session, to recommend this measure to the attention of the House, arose in some degree from the hardship to which they were at present subjected, in choosing a member alternately with the county of Bute (a county with which they were nowise connected, either in point of interests or of local situation) in consequence of which, they would have no representative in the ensuing parliament, to receive their instructions or to attend to their interests. But this was not the principal, far less the only inducement by which they were actuated in laying this Petition before the House. They were no less anxious to

Digitized by Google

prove, that at the northern as well as the southern extremity of the empire, in Caithness as well as in Cornwall, the necessity of a temperate and effectual Reform in Parliament was felt and acknowledged. When the state of the representation of Scotland should be brought under the consideration of the House, it would appear that the number both of the freeholders and of their representatives was by no means proportioned to the extent, to the importance, or to the population of that country, of which it was impossible to adduce a stronger instance than the case of that county which he had the honour to represent, a county, which, however inferior to many in wealth and in extent, yielded to none in respectability or independence, but which, under the present system, was excluded, during every alternate parliament, from all participation in the national councils. He should refrain on this occasion from making any observations on the general question of Parliamentary Reform, the propriety of which it was unnecessary at present to discuss. He trusted that the task of pointing out to the House, not only the extent of the evil, but the practicability as well as the expediency of a safe and a sufficient remedy, would devolve upon some gentleman as anxious as he was for the success of the cause, and much more capable to do it justice. He should now content himself with moving for leave to bring up the Petition.—The following Petition was then brought up and read:

"Unto the Honourable the House of Commons, the Petition of the Freeholders of the County of Caithness, assembled at Wick upon the 26th day of August 1811, to elect a representative to the Imperial Parliament of Great Britain.

"Sheweth; That your Petitioners are deeply impressed with a sense of the responsibility which attaches to them, in exercising their constitutional right of deputing a proper person to aid in the national councils, and in the preservation of the liberties of the subject against encroachment; and feel themselves imperiously called upon to state to your honourable House their conviction, that great and alarming innovations have been made upon this first and vital part of the British constitution.

"It is the firm persuasion of your Petitioners, that the constitution may be restored to its genuine and original purity, by a recurrence to its first principles; which, so far from endangering, will manifestly tend to ensure its stability; and they trust that your honourable House will receive favourably a statement of those grievances which they foment, in common with the great majority of their fellow subjects, and in respectfully representing which to your honourable House, they conceive themselves to be exercising the undoubted right and privilege of the subject.

"Your Petitioners beg leave to state, that, in their humble opinion, the restoration of triennial parliaments would be a powerful check upon corrupt practices, by producing more frequent appeals to the constituent body; and, as the causes which led to their being formerly rendered septennial have now ceased to operate, your Petitioners hope that your honourable House will, in regard to the duration of parliaments, comply with the express wishes of the great bulk of the nation. Your Petitioners are satisfied, that, in the true spirit of the constitution, no pensioner, no placeman, or person in office under the crown, ought to elect, or to be elected, a representative of the Commons in Parliament, with the exception of such members of the House of Commons, as his Majesty may chuse as his confidential servants, or of such as ought to be in the House for the dispatch of public business.

"Your Petitioners are convinced that many abuses have crept into the laws regarding the election of representatives for counties and boroughs in Scotland; that, under the present system, individuals may obtain a place amongst the freeholders, in a manner utterly inconsistent with the real intentions of the legislature; whilst others are excluded from participating in the elective rights, who, from the interest they possess as landed proprietors in the county, ought not to be debarred from assisting in the choice of its representative.

"Your Petitioners are humbly of opinion, that, in many other essential points, a temperate and effectual Reform would be highly expedient. Whilst they deprecate every attempt at undue or unsafe innovation, they are firmly convinced, that, by recurring to the first and genuine principles of the constitution, a House of Commons may be returned in a manner calculated to diffuse universal satisfaction, under the sanction of whose wisdom and virtue such measures may be adopted, as may in-

Digitized by Google

crease the confidence of the nation in their representatives, and, by enabling them to participate more extensively in the blessings of the constitution, will induce them to make every sacrifice for its defence and preservation.

"May it therefore please your honourable House, to take these premises into consideration, and to grant such relief as to your honourable House shall seem fit and proper."

Mr. Sinclair then moved, "That the Petition do lie on the table."—Ordered.

BILL TO AMEND INSOLVENT DEBTORS' ACT.] Lord *Folkestone*, in pursuance of his notice, rose to move for leave to bring in a Bill to extend the provisions of the Act of the 51st of his Majesty to Mary Ann Dix, whose case had lately been brought before the House (see p. 295.) and other persons similarly situated, under the writ 'de excommunicato capiendo.' Acts of the same description as the 51st of his Majesty had been at different times passed, most of which contained a clause for the relief of persons committed for contempt, for non-payment of costs, and those who were suffering imprisonment under the writ he had just mentioned. This clause had not, however, been inserted last year, which he believed, had originated in mistake. To rectify that error was the object of his present motion. He here thought it necessary to say one or two words, in consequence of what had fallen from a right hon. and learned friend of his (sir William Scott), in the course of the debate on a former evening. He regretted, that he was obliged to speak in the absence of that right hon. gentleman; particularly as that absence, he understood, was occasioned by indisposition. The right hon. gentleman, in the progress of his speech, had cast some aspersions, if he might use the term, on the character of the gentleman, from whom he (lord F.) was supposed to have derived some of his information on the subject of the Ecclesiastical Courts. He felt it his duty to say, that the terms in which that person was mentioned, were perfectly unfounded, and perfectly unjust. The original case was not introduced from any feeling of hostility towards those courts. It had been first mentioned to him (lord F.) by some most respectable inhabitants of Bristol, from feelings of humanity—that assistance might be extended to an unfortunate woman; and the person who had been alluded to, was applied to for information; as, having practised in those courts, he was acquainted with their constitution. He was called on, and did not officiously press forward. The noble lord said he made this statement, that the character of the individual who had been thus harshly treated, should be set right in the opinion of his fellow citizens in Bristol. He had been actuated by no motives of malignity—feelings which were most foreign from his mind. And he felt convinced, if the right hon. gentleman were present, he would concur in rendering justice to an individual, who had been hastily injured. The noble lord then moved for leave to bring in a Bill to alter and amend the said act.

The Hon. Mr. *Herbert* said he was requested, in the absence of his right hon. friend (sir W. Scott) to set him right with the House on this subject. Considering the motion of the noble lord as likely to be of very great benefit to the country, he should be very sorry that any thing should be said detrimental to the person, through whose information the subject had been brought before parliament. The fact was, his right hon. and learned friend conceived, at the moment, that the information had been given by some discontented proctor, and the papers with which the noble lord had favoured him, but which were not before the House, exhibited, as he thought, much professional ignorance, joined with an intention to blazon forth trifles to an extent which they did not deserve. Under this impression the words had been made use of. He had only to add, that if, in the warmth of a debate, into which his right hon. and learned friend had been dragged, he had said any thing offensive, no person could regret it more than he did.

Mr. *W. Smith* said he understood from a quarter totally unconnected with his noble friend, that there was not a more respectable person in Bristol, than the one alluded to. He was sure, if the right hon. gentleman who was now absent had known him, he would never have permitted such words to drop from his lips.

Leave was given to bring in the Bill.

Lord *Folkestone* then moved, That leave be given to bring in a Bill to alter and amend the Act of the 39th of the King, for making perpetual an act of 33 Geo. 3, for the further relief of debtors, with respect to the imprisonment of their persons; and to oblige debtors, who shall

Digitized by Google

continue in execution in prison beyond a certain time, and for sums not exceeding what are mentioned in the Act, to make discovery, and deliver upon oath, their estates for their creditors' benefit.—Leave was given; and his lordship soon afterwards brought in the Bills, which were read a first time.

OFFICES IN REVERSION BILL.] Mr. *Banks* said he should not delay the House with any observations on his present motion, which he understood was not likely to meet with opposition from any part of the House. The Bill now in existence would expire on the 5th of February. It would ill become him to say that he did not intend this as a permanent measure, and it would also ill become the House after what had already passed. He should, therefore, without further preface, move for leave to bring in a Bill to prohibit the granting of Offices in Reversion, or for joint lives, with benefit of survivorship.—Leave was accordingly given.

KING'S HOUSEHOLD BILL.] On the question that the Report of this Bill be brought up,

Mr. *Brougham* rose to state the insuperable objections he felt to this new arrangement. After all the discussion the question had undergone, the House must be aware of the real nature and complexion of the measure then before them, and they ought not and would not lose sight of this fact, that they were dealing with a Bill to raise 70,000*l.* additional from the people. That circumstance, of itself, was sufficient to make them pause and demand inquiry. Several of his hon. friends had, in consequence, called for investigation on various points; and, in answer to their demands, the right hon. the Chancellor of the Exchequer, and his hon. and learned friend the Chancellor of the Duchy of Cornwall, had given what they termed explanations, but what he conceived the House had no right to receive as arguments sufficient to warrant them in supporting this money Bill. This want of explanation was one great cause to prevent the House from entertaining the measure. But the right hon. the Chancellor of the Exchequer, in answer to the inquiries of his hon. friends, observed, "that this was a Bill to regulate his Majesty's Household, and it was futile to answer it, by pointing out the grants made to sir Sidney Smith and a few others. Let the Bill stand on its own ground, and make those inquiries hereafter." Now he (Mr. Brougham) would strenuously maintain this proposition, that the two objects of inquiry into the accounts, and passing this Bill, were inseparably connected; and if inquiry was not instituted, the Bill ought not to pass. The bare fact, that a new Civil List was about to be arranged, was sufficient to support him in this proposition, that parliament ought not now to do that which it had never before done, to grant a sum of 70,000*l.* per annum, and to recognise and sanction an annual excess of 124,000*l.* nay, of 9,000*l.* more than that, without a strict and detailed enquiry. Cursory explanations and elaborate speeches, however pleasant to individuals, did not afford a parliamentary ground of proceeding. To use the words of a right hon. gentleman, it was no more than the language of party, and the House must have evidence before it. What was the conduct pursued in the year 1804, when a grant of only 60,000*l.* was asked? The House had then no less than three Select Committees, who, after a laborous investigation, reported to the House the necessity which occasioned the application. That was an accurate and parliamentary proceeding—a proceeding adopted by Mr. Pitt and lord Sidmouth—who, though they were able to descant, as well as the ministers of the present day, on the general necessity of providing for the royal family, and could expatiate on the high price of provisions, and the depreciation of Bank-notes, yet knew the duty they owed their country too well to call on the House to grant money on their speeches and representations. They did not depend on fine turned periods, in matters of mere arithmetic and calculation: no, they sent the matter to be investigated by a Committee. There was nothing, in the present instance, that should relax the constitutional jealousy which the House ought to feel in granting money; on the contrary, the accounts on the table should excite it in a greater degree than ordinary; and the House had no right to receive individual assertions, however respectable the party making them, as a ground for voting an annual sum of 70,000*l.*—The hon. and learned gentleman next adverted to several of the items, which were mentioned last night, connected with the diplomacy of the country. The right hon. the Chancellor of the Exchequer had also attempted a verbal explanation of the sums given to marquis Wellesley and sir Sid-

Digitized by Google

ney Smith. The Secretary of the Treasury too (Mr. Arbuthnot) with an ingenuousness, fairness, and manliness, which it was impossible not to admire, came forward, when his case was challenged; but how did he come forward? He gave the House no explanation—he only challenged inquiry, and said, that the greatest favour which he could receive from the House, was a full and rigid inquiry. If he recollected right, this was the substance of what had been stated by that right hon. gentleman, and he acted very properly. Instead of attempting explanation in a place where it could never be satisfactory, he had challenged inquiry. As to the expences which a foreign envoy might be put to in case of an unforeseen accident, such as a rupture with the court at which he was resident, it might happen that they were necessarily very great; and he did not doubt but this really might be the case of the gentleman who had been at Constantinople; but still he contended, that this was no ground for refusing investigation. He might also instance the case of the marquis Wellesley. It might happen that during the three or four months, when he was at Cadiz, he was justified in incurring an expence of 15 or 16,000*l.* besides the sums also then expended by Mr. Henry Wellesley; but it was certainly proper that this should be explained. No man could be more averse to the entertainment of any mean jealousy as to what was necessary to support the dignity of foreign envoys than he was, and particularly with respect to that branch of it which ought never to be discussed in that House, namely, Secret Service money. But there was another description of items which were not *prima facie* entitled to the same degree of credit. He alluded to the bills for 10,279*l.* drawn by a noble person, stated to be a baron he believed; though as he was not very conversant in the Red-book, he could not say whether or not he was a baron of this country. He believed, however, he was not of this country. This person was, if he recollected right, named baron Hubert.—[The Chancellor of the Exchequer whispered over the table, that his name was Hubet.]—Then, said Mr. Brougham, I take upon me to say, that he is not a baron of this country. He said he would not join in any cry against foreigners. He did not object to their being employed occasionally in an army, nor would he object to their being sometimes employed by us in a diplomatic capacity, though certainly this was more questionable; but if this foreign baron, whose name he could not exactly remember, had drawn for a sum of 10,279*l.* he thought he was not arguing on too high a ground, if he said that that of itself was a sufficient ground of inquiry. But there were other grounds. It was, no doubt, reasonable that ministers ought to be allowed a sum, in addition to their salary, for their expences; but he could not see why a person who had been appointed to a diplomatic situation, and had never acted, nor sailed, nor even moved from London, should be entitled to an allowance of 4,500*l.* for plate. My lord Cathcart was stated to have received for plate, previous to his mission to Petersburgh, a sum to this amount, and he had never made a single movement on the subject of this mission. There were other items, of considerably greater amount, and all of them spoke the same language—the language of suspicion and inquiry—to the House. Ministers could not look to 1804 as a precedent for them. They spoke a language which was formerly unknown here. Mr. Pitt and lord Sidmouth never spurned at giving any information required of them; but surely it was more necessary now, when much larger grants were required, and after seven or eight years of war, which had loaded the country with taxes, which certainly were, to say the least of them, the utmost that the people could bear.—There were other points which certainly required consideration, and to which he would shortly advert. Among these was the situation of the Prince Regent. That situation no man could lament more than himself. It was certainly an ignominious and degrading state. He would say that the act of the 35th of the King had done more to injure, vilify, and degrade the executive in the eyes of the people of this country, than any thing which had taken place in our times He was shocked at the degradation to which that person was reduced who was one day to wear the crown. By that act the language held out was, that the person who was one day to wear the crown, was not fit to be trusted with the management of his own concerns; that he would, if left to himself, act so as to defraud his creditors. No measure could have been adopted more calculated than this to stigmatise and vilify the person who in the course of nature was to succeed to the crown. His hon.

Digitized by Google

and learned friend, the Chancellor of the duchy of Cornwall, had stated the most humiliating and disgusting details respecting the treatment of the Prince in these Bills, and from the authors of these Bills in 1795; but he would ask, notwithstanding the confidence which it was very natural to place in any statement made by his hon. and learned friend, if they were at liberty to rely on his statement, when they had not only no power of putting questions to him, and when he had stated many particulars not from his own knowledge, and which he could not possibly know. How could the House place a confidence in this report, which was never asked before on any similar occasion? Did they believe that all these debts were paid? All this they were bound to say, or to say that which would go farther to stultify the House in the eyes of the country, than any thing which it was well possible to conceive, that whether they had ground or not for believing, they were determined to give credit.—There were many other particulars which called loudly upon the House to pause. Was it fit to sanction a constant arrear of the civil list expenditure of 124,000*l.* above the estimate of 1804, without knowing one item of those arrears which they were about to sanction? If this growing arrear was to be sanctioned by the authority of parliament, they were saying that the arrear since 1804 had been justly incurred, because they would have no other stage for taking the matter into consideration. Was the House prepared to sanction this statement, without having one item of explanation? But then, as there was no want of speaking, whatever other want there might be in that House, they would be told, that so great was the depreciation on account of the overgrowing bullion circulation, that what was sufficient in 1804, would not be sufficient in, the right hon. gentleman would say perhaps, 1812. He would not say that—for the fact was, that it was not sufficient in 1805. In the year 1805 there was an arrear on the civil list; and unless one year's depreciation of the bullion, for so the gentlemen were pleased to term it, should have been so great as to account for this effect, how was he to account for this increase of nearly 130,000*l.* above the estimate of 1804? This argument of the depreciation, therefore, if good for any thing, must have been applicable in 1805. But, said the right hon. the Chancellor of the Exchequer, there might be some items of the expence of 1805 incurred in 1804; but how would this account for the excess of 1806 and 1807? Unless, then, the depreciation had attained its maximum in 1805, the argument was good for nothing.—The hon. and learned gentleman then went into some particulars respecting the arrears of the civil list.—In contrasting the sixteen years previous to 1804, with the seven which succeeded it, it would be found, that during the latter period, the civil list was annually larger, by 240,000*l.* than in the former. Comparisons had been drawn between the expences of an earlier period, and those of the present day; and here he begged gentlemen to consider how differently this question was dealt with in the last and in the present reign. When George the 2nd came to the throne, parliament agreed to give him 700,000*l.* per ann. for his civil list; and if the funds on which that sum was chargeable did not produce sufficient, parliament were to make up the deficit. There was no bargain respecting any overplus. After the expiration of 20 years, a deficit of 420,000*l.* of those funds had occurred. This sum was accordingly made good by parliament. It happened, however, that these funds in time increased beyond the estimate, and during the remaining thirteen years of his reign there was a surplus of 115,000*l.* How was this surplus dealt with by this honest and conscientious Prince? It was not considered as private property; it was not laid out in the purchasing of lands, as might have been done; but he allowed it to accumulate, and paid over the sum to the Exchequer, for the relief of the people from whom it was drawn, as well as the amount of the Droits of Admiralty, which had accumulated, after one of the most brilliant and successful wars which was ever waged to the glory of any people. He did not think of laying out any part of this sum in the purchase of freehold and copyhold estates, (Hear, hear!) repeatedly from the Chancellor of the Exchequer.) The right hon. gentleman seemed to be so mightily taken with the precedent, that he would advise him to a repetition of it, at a time when there was a much greater occasion for it.—The hon. and learned gentleman next instanced the conduct of Queen Anne, who paid 100,000*l.* in aid of the taxes out of the privy purse, besides having built Blenheim, and several churches and public edifices. It was a precedent which

Digitized by Google

he thought might be followed with advantage. The attention of the House had been sedulously directed to the care which it was deemed right to take for the support of the dignity of the royal personage on whose behalf this bill was introduced, as well as to enforce the absolute necessity of maintaining two distinct courts, but as yet he had heard nothing from either side of the House regarding another royal personage, who, in the event of a demise of the crown, would be raised to the dignity of Queen of Great Britain. He did not wish to press this subject upon the House, as he felt sure that it need only be hinted at, in order that its importance should be felt and acknowledged. The truth was, that all the solicitude for what was called dignity, had been misnamed, and that it resolved itself upon due examination into an attempt to support a separate influence; since 21 officers were appointed, who either filled, or might occupy, seats in the legislature. If it were true, that fewer attendants upon the person administering the regal power were requisite, they ought to be diminished, and those officers who were removed from the Prince might be appointed to attend upon the King; but here the attempt was far different, for although twenty-one of the old servants of the crown were removed, their places were to be supplied by new appointments to the same extent, the only effect of which would be, that the influence of the Queen was augmented, but no addition was made to the dignity of the King. The remote possibility of the ultimate recovery of his Majesty, although now as well as last year, his speedy restoration had been so sanguinely expected and prophesied by the Chancellor of the Exchequer, could in no way justify any such establishment. It appeared by records, which it was not necessary to quote, that the House had never yet voted so large a sum as that now required, in aid of the civil list, without formal preliminary inquiry, and yet ministers, at a time when the vote of every shilling ought to be most severely scrutinized, ventured to make this most unconstitutional demand. —With respect to the formation of a distinct court, over which the Queen was to preside, no investigation could remove his objection: but into the voluminous documents laid upon the table, he could not imagine that a more proper time than the present could be found for investigation, and it was wholly unbecoming in the House to refuse examination into the comparative small amounts they contained, when the great demands for the service of the state were met by the people with such confidential readiness. He warned the right hon. gentleman of the consequences of a refusal, and set before him, as an example, the precedent of the year 1804.

Mr. *Rose* allowed that enquiry ought to take place, as broad a one as possible, but not such as to impede the progress of the bill. In opposition to the statement of the hon. and learned gentleman, he contended that great grants had frequently been made to the civil list, without any enquiry whatever; and he instanced cases in the reigns of Queen Anne and George 1, and 2, in proof of his assertion. The hon. and learned gentleman said that George 2 did not lay out the surplus of his revenue in the purchase of freehold and copyhold estates. What sovereign had ever done so in this country? None. He asserted positively, that no sovereign had ever laid out a shilling of the civil list revenue in that way. It was impossible that he should do so. His present Majesty had waived the various revenues of his predecessor, and had accepted a specific sum of 800,000*l.*; being 20,000*l.* less than the revenue of George 2. He entered into a statement of the further parliamentary grants that had been made to his Majesty, the whole of which amounted only to 2,419,000*l.* being an average during his reign of 93,000*l.* a year. And let it be considered, that since the year 1710, money had been depreciated to nearly half its value at that period. Adverting to what the hon. and learned gentleman had said, of the munificence of Queen Anne, he observed, that so far from Blenheim having been built out of the royal purse, it had been commenced by parliamentary grants, which being interrupted by the Tory administration, the building was completed at the expence of the duke of Marlborough, who was subsequently remunerated by another parliamentary vote. He trusted that the House would not hesitate in allowing the bill to pass; and if they thought proper, they might afterwards institute an inquiry into some of the minor details alluded to.

Mr. *Bennet* considered it to be a duty he owed to his constituents to oppose all grants of the public money, unless there

Digitized by Google

appeared a necessity for such grants being made. Besides, in this Bill there was not only to be considered the money given, but the influence to be created, and above all the influence of the crown in the House of Commons. He wished to direct the attention of the House to that part of the subject. But setting aside all discussions on recent events, it was fit to be examined, what had been the conduct of our ancestors, when questions of a similar nature were agitated.

In the 16th session of the 2nd parliament of Charles the second, known by the name of the Pensioned Parliament, complaints were frequently made of the influence of the crown in the House of Commons. In the 2d session of the 3rd parliament, the subject was revived, when sir Stephen Fox, who had the management of the Secret Service money, was made to name the members of the last Pensioned Parliament who had received money from the crown: he named from 30 to 40 persons who had pensions from 2 to 500*l.* a year each. Before the House could proceed against these persons, the parliament was dissolved. In the 4th parliament of Charles the second, the Commons came to the following Resolutions. Dec. 30, 1680. "Resolved unanimously, That no member of this House shall accept of any office, or place of profit from the crown, without the leave of this House; or any promise of any such office or place of profit during such time as he shall continue a member of this House: and, That all offenders therein shall be expelled this House." It was then maintained by sir Francis Winnington (and our ancestors, though following the Pensioned Parliament, had but a limited experience of those evils which we their posterity have felt:) who had been an eye witness of those disgraceful scenes, he ventured to describe to many of those who had been sharers in the disgrace, "That all of those who had pensions and most of those who had offices, voted all of a side, as they were directed by some great officer, as exactly as if their business in this House had been to preserve their pensions and offices, and not to make laws for the good of them who sent them here. That they were so far from being the true representatives of the people, that they were a distinct middle interest between the king and the people, and their chief business was to serve the end of some great minister of state, though never so opposite to the true interest of the nation." While the parliament was engaged in these discussions, it was suddenly dissolved. In the 4th session of the 2nd parliament of king William, the House of Commons once more revived the question, and a Bill, known by the name of the Place Bill, was introduced, passed this House, but was rejected in the Lords by a majority of two. It was revived the next session, again passed this House without much opposition, and was agreed to by the Lords; but king William was advised to refuse his consent. Thereupon the House of Commons resolved, "That it is the opinion of this Committee" (the House being in a Grand Committee on the State of the Nation:) "that whoever advised the king not to give the royal assent to the Act, touching free and impartial Proceedings in Parliament, which was to redress a grievance and to take off a scandal from the proceedings of the Commons in parliament, is an enemy to their majesties and the kingdom." In another Resolution they say, "That the act tended much to the clearing the reputation of this House."

The hon. gentleman professed it not to be his intention to pass any panegyric upon the motives of those who supported the Place Bill in the time of king William. It was, however, to be remembered, that their votes were in unison with those of the Whigs in the time of Charles the second, when the corrupt influence of the crown first began to be felt: nor should it be forgotten, that the Bill was supported by men of all parties and descriptions in that House; by men of the greatest integrity, of the first rate abilities, and of the most enlightened and rational views, who, disagreeing in many points, agreed in these, that parliament was not to become the great grievance of the nation, and that the giving away of the public money among themselves and becoming the hired and pensioned servants of the crown, were violations of their duties to the people.

Neither did the hon. gentleman propose to go the length of the Bill in disqualifying all the servants of the crown; as there was a wide distinction to be taken, between those ministers of the crown who were at the same time servants of the people, and that herd of household retainers and inferior officers of the government, who seem to be of no other use than to swell the train of the minister, and to vote according to his orders, however hostile to the wishes or contrary to the interests of the

Digitized by Google

nation. In an act of the 12th of king William, entitled, "An Act for the farther Limitation of the Crown, and better securing the Rights and Liberties of the subject," it was enacted, "That from and after the death of the king and princess Anne, no person who has any office or place of profit under the king, or who receives a pension from the crown, shall be capable of serving as a member of the House of Commons." This act was repealed by the 4th of queen Anne. The 6th of Anne disqualifies persons holding offices created since the 25th of October 1705, or that shall hereafter be created: and enacts that every member shall vacate his seat upon the acceptance of office, with, however, the liberty of re-election. These acts were mentioned, not only to shew the anxiety of our ancestors to lessen the influence of the crown in this House, but also to shew that by the last, the impropriety of members of parliament holding offices under the crown was recognized. Various attempts were made in the reigns of Anne, George the 1st, 2nd, and 3rd, with various success, for the diminution of this influence. In 1780, a vote was passed against the increased influence of the crown, and declaring the necessity of its diminution. This vote was given in consequence of the petitions and remonstrances and addresses from all parts of the kingdom; for the people prayed, though hitherto they have prayed in vain, for rigid frugality, for the abolition of sinecures, useless places, exorbitant emoluments, unmerited pensions, and the unconstitutional influence of the crown.

The honourable gentleman then asked, if there were no recent events that called for the interference of parliament? Was not the appointment of four members of that House to places under the crown worthy of consideration? It was not, however, his intention to argue the question or rest his case upon any single example, however flagrant and insulting: but upon the accumulated and aggregated mass of public abuses against which every man in the country, but those who profited by these abuses in possession, expectancy, or reversion, was at this hour raising his indignant voice. One case, however, namely, that of col. M'Mahon, ought not to be so passed over. If the Regent's ministers were determined to make their stand upon Sinecure places, if they were resolved to grant no one prayer of the people of England, to abate not one shilling from their burthens, or abolish one office, though reported against by two Committees of parliament, did it not occur to them, that some gallant friendless officer might be found who deserved reward; and though the rigid duties of this House might compel them to question the propriety of the mode, no man would have questioned the claim; and the Regent's ministers would not only have stood acquitted of the suspicion of having endeavoured by criminal compliances to purchase royal favour, but they would have had to shew, that where the claimants were many and the rewards few, they had bestowed them where the voice of the country thought they were most merited. But was this the character of col. M'Mahon's appointment? What were his services? What had he done to merit public remuneration? What claim had he to one shilling of the public money? He was an honourable man, and so they were all honourable men, but was he not amply rewarded for his services to the Prince, by the situation he holds in his family?

But it had been said, there was no need of such reform, as the number of persons sitting in parliament holding offices, were fewer now than at the period of the Revolution, or during the American war. To shew that the evil was lessened, was no conclusive argument to silence those who contended that it ought not to exist at all. What that evil was, every man's experience must tell him. The history of the country will shew that most of the burthens we bear and many of our misfortunes may be traced to the influence of the crown in his House.

There were, too, persons who maintained what they are pleased to term the due influence of the crown. The question to be debated was not where due influence ends and undue begins; but the direct influence of the crown in this House, like that which is used by members of parliament towards their constituents: the law calls it bribery, and that in the most offensive sense. But one would suppose by this strain of argument that the crown was in danger, that it could hardly maintain a precarious existence: Was that its real situation? Was a revenue of eighty millions, an army and navy of the magnitude to which they had reached;—the circumstance of every fifth man in the kingdom being a candidate for public office;—were these proofs of such decay of strength, or was there a rank so dis-

Digitized by Google

tinguished, or station so obscure, as had not something to gain or to lose, to hope or to fear, from the favour or displeasure of the crown? If, indeed, these were proofs of the diminished authority of government to warrant filling parliament with placemen and pensioners, it might be asked of these advocates for a feeble and powerless monarchy, when they would be satisfied of its strength?

But if a parliament was free from such an influence, if it were modelled upon the purest form, would the crown be in danger; would the government stop? Is it meant to be argued that placemen and pensioners are the bulwarks of the monarchy; and that the constitution is in danger if the parliament be not patched? Would not 658 gentlemen free from this contaminating influence have a due regard to the constitution under which they lived?—if money was wanted for just and necessary wars, would they not grant it?—if for the proper splendour of the crown, would they refuse it? or would they not be as ready as any pensioned parliament that ever sat, to place at the disposal of the crown, the hearts, and the hands, and the purses of its people?—A parliament of this description would not plunge the country in unjust and unnecessary wars against its own kindred and its own subjects, nor would it keep up a code of merciless proscription and odious intolerance. They would not support any and every minister solely because he was appointed by the crown; nor shift round and turn when caprice or bigotry, religious or political, or an entire want of principle, induced the crown to change or to keep its advisers. They would not entrench themselves against public criticism, by privileges of doubtful law and odious exercise, in imitation of that Tory faction in the time of king William, who first found it necessary to distinguish between the House of Commons and the people. Nor would they acquit from blame, and screen from punishment, men who had wasted their gallant soldiery in expeditions begun in ignorance and persevered into the destruction of the miserable victims to the folly and incapacity of their commanders. And above all, such a parliament would never have consented to that Bill of Indemnity, which, placing under the protection of the law men who had broken all law, furnished by that fatal example impunity to crime, and by stifling the voice of the oppressed against the oppressor, forced men to look to some other quarter besides English law and English government, if not for protection, at least for revenge. It was, then, for these reasons he intended to propose a clause disqualifying all those who should hold offices under the Bill from sitting in the House of Commons.

Mr. *Sheridan* said, he agreed with many parts of the speech of the hon. gentleman who had just sat down, but thought he had not quite done himself justice; for he had not only put the House in possession of his future motion, but of his future speech. With regard to those points of his speech which went to object to offices being granted to members of that House, he should agree with his hon. friend, (if he would permit him so to call him) if he could do away ancient and deep-rooted prejudices. If his hon. friend could persuade all noblemen and persons of a certain rank in life to forego their wishes for such offices as the Post-master-General's, and others of the like kind, he should be very happy to coincide with him. There was one part of his speech, however, in which he could not agree with his hon. friend, and that was, where he arraigned the appointment of colonel M'Mahon, and argued, that ministers had been actuated in their conduct on that occasion, with a view to curry favour and increase their influence with the Prince. Now every one who knew colonel M'Mahon must be sensible that his conduct in the service of the Prince had been highly honourable, and such as deserved the particular marks of favour with which his royal highness had honoured him. His hon. friend had said, that he believed colonel M'Mahon to be an honourable man. He thought so too. They were all honourable men; but his hon. friend did not see what right colonel M'Mahon had to the public money. As to the right, there were certainly more ways than one of deserving remuneration for long, tried, and faithful services; and in appointing him to the office in question, no doubt the Prince was actuated by such motives as he thought just and right. If his hon. friend thought the place ought to be abolished, let him make a motion on the subject; and if the House should be of the same opinion, he had no doubt colonel M'Mahon would willingly resign it. He (Mr. Sheridan) was not in the House when the character of colonel M'Mahon was some time ago canvassed on a similar mention of the appointment, and when an

Digitized by Google

many hon. members bore such honourable testimony to his general worth and merits; but he firmly believed that the appointment itself was not so truly gratifying to colonel M'Mahon, as the highly flattering manner in which his character had been universally spoken of on that occasion. He could not agree with his hon. and learned friend in his objection to bringing up his report; and he differed also with several of his hon. friends who thought the House had done wrong in not leaving to the Prince of Wales the entire regulation of his Majesty's person, &c. He was certain nothing could be more injurious to the Prince's feelings than such a measure would have proved. He differed with them also as to the corrupt influence which it had been argued might be used by the Queen, in consequence of the powers vested in her. The whole tenor of her Majesty's life had shewn that she had never been capable of such conduct; and he verily believed she had accepted the trust from motives of the most tender and affectionate regard to his Majesty, and that she might be able to ascertain to a certainty that every thing was done that could conduce to his Majesty's comfort and convenience. He differed also with them as to the provision allluded to for the Princesses. He was certain there was no wish for expensive establishments; but that whatever was offered would be gratefully received. He differed also as to the point of objection to the Prince's debts in 1803. The Prince sent a message by Mr. Tyrwhitt, stating his reasons why he could not resume his state and dignity, on account of certain claims on his honour which he was bound to provide for. He would not revive the argument with the Chancellor of the Exchequer which took place a few nights ago; he was sure the right hon. gentleman was convinced that he had taken up his idea from reading Woodfall's Reports, when he said that he considered the Prince to have given up his claims, seeing that the Journals shewed that he had only said he withdrew his suit. He thought with his hon. and learned friend, that the Bill of 1795 deserved all the epithets he had applied to it. It was the work, to be sure, of a great man who was in power at that time, now no more, who was regarded with the highest respect by his friends. He did not wish to use very strong terms while speaking of the dead; but he must agree with his hon. and learned friend that it was a scandalous Bill, degrading and ignominious to the Prince, and tending to stigmatise, and dishonour, and vilify, the character of him who was by the course of nature destined to fill the throne. He perfectly agreed with the whole of the statement made last night by his hon. and learned friend, (Mr. Adam.) Nothing, in his mind, could be more clear than that statement, which shewed decidedly that what he (Mr. Sheridan) had asserted a few nights ago respecting the Message of the Prince in 1803, and particularly respecting his claims on the duchy of Cornwall, was accurate. The claims of his royal highness on the duchy of Cornwall amounted to more than 700,000*l.* which was a much greater sum than the total of all demands upon him. But when lord Sidmouth made an arrangement in 1803, the Prince had submitted to restraints for eight years, and had merely given back to him part of what was his due. It was a fact of which he was quite certain, and he was sure that if he had seen lord Sidmouth previous to this debate, that noble lord would have confirmed his opinion; for, indeed, he stated the same thing from the very bench on which the right hon. the Chancellor of the Exchequer sat, that the measure then adopted was far from any thing like a compromise. That noble lord stated, that he had made no allusion to any arrears said to be due to the Prince of Wales. The claim to those arrears was fortified by all the greatest legal authorities that could be consulted, and left the question clearly in favour of the rights of the Prince. It was on the 18th of February, that lord Sidmouth, then Mr. Addington, expressed himself to the effect he had stated. It was on the 28th of February that the Prince's Message came down to the House, in which he relinquished the further prosecution of his suit, stating his reliance upon the affection of the King, and the liberality of parliament, to enable him to discharge those obligations which he had contracted. On the 4th of March, an hon. gentleman who was member for Rochester made a motion in that House for an address to the Prince to resume his state, on the very principle of paying off the arrears of his debts: and nobody within those walls then argued on the message of the 28th of February, as compromising or bargaining away his claims. All which would have been impossible, had such a thing as a compromise been

Digitized by Google

understood from the Message. He had, however, no wish that his royal highness should now revive his claims. As to the debts which his royal highness acknowledged, many of them were of a nature binding on him by honour, if not by law. It was proposed to set apart 70,000*l.* of his present income for their liquidation: but was parliament to be the guarantee? It was a voluntary trust made by the Prince; and it was perfectly possible to revoke it. He did not mean to insinuate such a thing as that the Prince would revoke it, for he knew that he was incapable of doing so, and he was quite assured of the punctuality and sacredness with which he would ever regard it: but there was a possible contingency to be looked to, which, though in other respects unfortunately an almost hopeless one, might occur, namely, the recovery of his Majesty's mental health, and his resumption of the duties of his high station; which would, of course, put the Prince back into his former rank and situation: or, supposing another case, however much to be deplored,—his Majesty's dissolution, then the income of the Prince of Wales would merge in that of the crown. The Prince might do all in his power to save his creditors harmless; but, he contended, that there was no security given by parliament for accomplishing this object. There was another event which should be taken into their consideration, and that was, the possibility of the death of the Prince of Wales himself. Then there would be a total end to all security. But would it not be a much preferable mode of proceeding, for the public to take upon itself all the debt, extinguishing all question of the arrears of the duchy of Cornwall? Could it be said to be fitting, that, under all the present circumstances, there should be precarious debentures existing for the Prince's obligations?—that in what was called the Foreign Loan for instance, the Prince of Hesse, in his present condition, should feel himself without any security from the British nation? Let parliament take the debts and the fund together for the public, and they would find it to redound much more to the honour of the Prince and the credit of parliament, and contribute more to the character and satisfaction of the country.

Lord *Ossulston* complained of the perfectly gratuitous allusion which the right hon. gentleman had made to the acceptance by his noble relation of the office of Postmaster General; an office which had always been held by an individual of his noble relation's rank.

Mr. *Sheridan* disclaimed the least intention of saying any thing disrespectful to the noble earl. The higher the noble earl's character, the stronger was his argument, which tended to remind his hon. friend in the midst of his general principles, that there were cases in which men of the best character did accept situations such as those his hon. friend exclaimed against. As to gratuitous allusions, it ought to be recollected that he must naturally have felt a little hurt at the gratuitous allusion which had been made by his hon. friend to colonel M'Mahon.

The report was then brought up and agreed to.

The House then went into the Committee on the Household Officers' Bill. After a number of clauses had been read and agreed to,

Sir *Charles Burrell* was desirous of saying a few words on the subject of the marshalmen, yeomen, and porters of the Household, in which he thought all must agree. The marshalmen, he understood, paid 7 or 800 guineas for their places to the Knight Marshal, for which they received a sort of nominal salary of about 20*l.* a year, which was subject to a reduction of five or six pounds. On their deaths, their situations were again sold by the Knight Marshal, and he supposed that it was from such sources that the Knight Marshal himself was paid. If a marshalman was permitted to transfer his situation to another, it was generally at the price of about 126*l.*; but if he was an invalid, he was treated only as a sort of annuitant, and not permitted to transfer. He meant no kind of reflection in what he said upon the Knight Marshal; perhaps some of the money went to the Lord Steward; but he could not tell. Porter's places went at about 100*l.* and under them were the groom porters. The duties, however, were performed by a set of paid under-porters. He complained of the practice of such persons requiring money in the shape of fees, which in the opinion of some lawyers might subject them to the Vagrant act. Those who lived in town might not wonder at such things; but what sort of impression must it make on a sheriff from the country, who came to court in the performance of a public duty, when he was the next day called upon for money? But what said these inferior officers of the household?—that

Digitized by Google

they had their duties to perform, and had no remuneration except their low, insufficient, and scandalous salaries. Their conduct in demanding fees was connived at, and approved of by high authorities. Even persons who were received at court for their meritorious services were dunned in the same manner: and what must they think of it? When the custom of taking vails was universally done away in this country, the wages of servants had been proportionally encreased; yet this miserable practice was allowed to remain about the court. He felt it his duty to mention this subject, as it might come to the ears of his royal highness, whose own establishment, he knew, was pure from this species of inhospitality. The officers themselves he did not blame, for he was sure that they would, most of them at any rate, be happy to be relieved from such a system of beggary; and many of them, though not in high stations, had feelings capable of all the unpleasantness to which such a practice exposed them.

Mr. *Kenrick* never knew of more than one complaint against the conduct of a marshalman; and in that case proper redress was given, on application to the proper quarter. He had heard of no complaints as to the vails. He did not know who appointed the porters; but if the Lord Steward did, he was sure he received no money for it. If the marshalmen wished to be relieved from the present practice, he was equally certain that the Knight Marshal would feel the same satisfaction. When officers misbehaved themselves, their pay was dropped.

After some further discussion, in which Mr. Croker, Mr. Giles, the Chancellor of the Exchequer, and Mr. Bennet, participated, the clause was agreed to.

HOUSE OF COMMONS.

Wednesday, January 29.

POPULATION OF IRELAND.] Sir *John Newport*, in pursuance of previous notice, rose to move for leave to bring in a Bill to ascertain the amount of the Population of Ireland. He expressed his surprize that a measure should have been so long deferred which would enable parliament to ascertain the number of persons for whom it was to legislate. Twice since the Union had the population of Great Britain been calculated, but in this respect, as well as in others, the natives of Ireland had been totally neglected. The only reason he could imagine for this omission was a species of timidity on the part of certain persons, who were afraid even of letting themselves know the real amount of the inhabitants of the sister kingdom. It appeared to the right hon. baronet a solecism, that all the public bills introduced were not made to include the whole united kingdom; leaving it to the persons bringing them in to point out what parts should be excepted; but Ireland was uniformly excluded from the provisions in the first instance. He illustrated this position by alluding to the 50th Geo. 3, for taking securities from public officers, which applied only to England and Wales, and to an act of last session for liberating persons confined for small debts in Great Britain, omitting all notice of Ireland.—He then went on to notice the difficulties stated by Mr. Rose on a former night, which, in the right hon. baronet's opinion, might be overcome, by adopting partially the system of ascertaining the population in Ireland, and by employing the officers appointed by the Grand Juries in Ireland. Above all, he deprecated in obtaining the census any distinction being made between persons of particular religious sects and opinions, which could only have the effect of ranging as it were in hostile array those who being kindred in blood and nation, differed only in religious creeds; he was perfectly confident, that at present, the natives of Ireland were actuated by the warmest zeal to maintain the independence of the empire, whatever pains had been blindly taken to disunite them in the support of their common interests.—Another main object in view was, that the measure should not be temporary, but permanent; and that, at the conclusion of every seven years, the census be proposed should be taken. The disadvantage resulting from bills of this nature, which were only made to answer an immediate object, was exemplified by the boasted returns, which the right hon. gentleman (Mr. Rose) had laid upon the table, of the comparative numbers of the population of Great Britain in 1801 and 1811, for it never could be credited that the immense apparent increase of a million and a half was owing to natural causes; it was only to be accounted for by supposing, that the people in 1801 thought that the census was required for purposes of taxation, and therefore then, designedly, omitted a great number of persons, whose names were inserted in the returns of 1811. He con-

Digitized by Google

cluded by moving, "for leave to bring in a Bill for taking an account of the Population of Ireland, and of the increase or diminution thereof."

Mr. *Rose* was anxious to give the proposed Bill every support, and rose merely to vindicate himself from the implied accusation, that he ought before to have brought forward the measure. The truth was, he felt himself incompetent to so arduous a task as it appeared to be, on the very statement of the right hon. baronet; but he denied that there was any design to conceal the extent of the Population of Ireland. He was as far as any man from wishing that any religious distinctions should be made to sever a people, whom he was fully convinced were zealously attached to the existing government; and he concurred not less in the propriety of the census being taken at stated periods. With regard to what had been said on the returns of 1801 and 1811, he could not admit that the difference was owing to the cause assigned by the right hon. baronet, for the accounts themselves bore internal evidence of their accuracy. In a few days the House would be put in possession of the returns of the separate parishes, where the amount of burials and christenings would be stated, although they did not, he admitted, exactly keep pace with each other.

Leave was then given to bring in the Bill.

ORDER FOR LIST OF POLICE MAGISTRATES.] Mr. Secretary *Ryder* observed, that it would be recollected that in the last week, on the motion of an hon. baronet (Sir Francis Burdett, see p. 239) a return was ordered of the number of Police Magistrates, in which it was required also that they should state "where their qualifications are, and what they are." By an act of parliament passed for the most wholesome purposes, all magistrates were required, before their appointment, to deliver in a statement of their qualifications, under severe penalties, and the House would observe, that if this order were complied with, it would be demanding of the magistrates that they should furnish evidence against themselves, which, he apprehended, even the hon. baronet himself would not wish to enforce. This objection had been suggested by the Attorney General, without any communication from any person interested, and he begged therefore to move, that that part of the order be expunged. He had written a note to sir F. Burdett, informing him of his intention, the day before yesterday, and was sorry not now to see him in his place.

Mr. *Whitbread* thought that it would be much more advisable to delay the motion until it was ascertained that the hon. baronet had received the communication just referred to, that he might at least have an opportunity of stating his objections. He thought that it could be no very severe hardship upon the magistrates, even if the order retained its original form: it might be the object of the hon. baronet to point out to the House certain magistrates who had not complied with the provisions of the statute.

Mr. Secretary *Ryder* said, he had no doubt that his note had been received, for it was left at the house of the hon. baronet, who might afterwards, if he pleased, revive the order by taking the sense of the House.

Sir *John Newport* strongly objected to this last proposal. It would lead to this absurdity, that the House would be employed one day in making an order, next day in rescinding it, and afterwards in reviving it. For himself, he could see no harm in making the magistrates give in an account of their qualifications. What would be the result? merely that the legislature should interfere to take cognizance of their conduct, instead of the *qui tam* informers. At all events, the debate ought to be deferred till the hon. baronet came down to the House.

Sir *T. Turton* could by no means agree with the last speaker, that it was the duty of this House to compel magistrates to render accounts which might criminate themselves.

Mr. *Tierney* said, that it did not follow because the hon. baronet had not answered the communication, that he therefore assented to it. What was the meaning of the present motion? An order was made for magistrates to state their qualifications; and the right hon. secretary moved to alter it, because he found that some magistrates will be criminated by it. (No! no! from the ministerial benches.) Why, really, that was the result of his reasoning, when he stated, that it might produce great inconvenience to some magistrates. He himself thought the order very useful. If any magistrates had evaded the act, it was fit they should be animadverted upon; if any should be found to have acted un-

Digitized by Google

intentionally, it would be in the power of the House to relieve them. He could not approve of the suggested method of reviving the order.

Mr. *Kenrick* thought that the House would exercise its inquisitorial power very improperly, if it forced magistrates to criminate themselves: nor would the order produce the desired effect. The present qualifications of magistrates might be very different from those which they possessed at first; they might have sold or changed their original qualifications; and it would be too inquisitorial for the House to demand an account of changes which it might be inconvenient to state.

Mr. *Horner* asked, was it to be endured, that the House should be required to give up its inquisitorial power, because the parties examined before it would perhaps be found to have broken the law? Was it not rather the object of their inquisitions to detect such criminals? But he denied, that in this case the magistrates would be called on to criminate themselves. The proper officers appointed in every county would present the desired information to the House. At any rate, the present proposition was not to be endured. It was, indeed, a principle of law, that a man should not be called on to criminate himself, because his confession might be used to his conviction. But the evidence received in that House could not be admitted as evidence to criminate a man out of it. No court of justice would allow it. He insisted, therefore, that the House should not, by admitting the proposition just suggested, destroy at one blow their whole inquisitorial power. Admit it now, and it would be used hereafter as a precedent to check all inquiries into criminal abuses.

The *Chancellor of the Exchequer* observed, that a magistrate might possibly be qualified at the taking of his office, and a list of such qualification might easily be furnished by the regular officer appointed for such purposes; but if he had changed his original qualification, the nature of that which he at present held could be obtained only from himself: and such inquiry, according to the present order, might lead him to criminate himself. As to the point of evidence insisted on by the last speaker, he conceived that the House might very possibly be disposed to allow an extract of its proceedings to be taken; and such extract would, undoubtedly, be received as evidence against a person in any court of law in the kingdom.

Lord *Folkestone* said he could not comprehend how the House could come at the qualification, unless the order stood as it was originally made. It appeared that a measure of great importance, namely, the qualification of magistrates, had been passed into a law; and now when it came to be inquired into, it was alleged, that if application was made to the clerks, they could not give the necessary information as to the exact situation of these qualifications. It was, therefore, incumbent on the House to ascertain this point according to the enactment of the law; and it appeared to him that that could only be done by suffering the order to stand as originally made.

The *Chancellor of the Exchequer* said, that the order as it stood must be productive of great inconvenience, without a possibility of coming at the truth. Police magistrates might have been duly qualified, and have given in a particular place, where that qualification lay at the time they became magistrates; and yet having parted with that property, there was no way of coming at the fact where their qualification now lay, but by compelling them to ascertain it. This did not apply to police magistrates alone, but to every justice of peace in the kingdom.

Mr. *Bankes* thought it would be easy to modify the matter effectually by an amendment of the present motion, in only adding a few words so as to reach that qualification under which the magistrate began to act. He was sure the House would ever be slow to exercise its inquisitorial power; but so far as this went he thought it might very fairly be done.

Lord *A. Hamilton* moved, that the debate be adjourned to Friday.

Mr. Secretary *Ryder* objected to the adjournment, as he had given two days notice, and had also sent a private intimation of his intention, and of the purport of his motion to the hon. baronet who had originally brought forward the subject.

Lord *Folkestone* said, the right hon. gentleman gave his notice only on Monday evening, when almost all the members had left the House. For his own part, he knew nothing of it till he saw the notice yesterday afternoon, just before he came into the House. He should therefore vote for the adjournment of the debate to Friday.

Digitized by Google

The House then divided, when the numbers were, for the adjournment 21; against it, 53.

KING'S HOUSEHOLD BILL.] Upon the question that this Bill be read a third time,

Mr. *Hutchinson* said, that the subject had been already exhausted, and that he did not rise to enforce what had been already said, but to explain the nature and grounds of his opposition to the Bill. It proceeded all along upon the violation of a great constitutional principle. The first duty of the Commons House of parliament was to stand between the people and the imposition of undue and oppressive burdens. In the present times, it was unfortunately but too often the duty of that House to impose heavy burdens upon the people, but it was their paramount duty, before they did so, to make themselves satisfied of that necessity, by previous and industrious investigation. If this principle was at all times practically true, never was there a period at which it ought to be more vigilantly acted up to, than at the present crisis, when the highest and most opulent orders of the community sorely felt that pressure, beneath which the lowest orders had been bowed to the very dust. How far, then, was this great constitutional principle observed or departed from, in the introduction and progress of this bill? No man would deny that this bill imposed additional and weighty burdens on the people; but had previous inquiry proved the necessity of these fresh impositions? and if they had not, was the House doing its duty towards that people that had entrusted them with the disposal of their property, when they voted away any portion of that property, without being first convinced of the necessity that called for it? He had listened with attention to the course of the debates upon this bill, and had heard much of what was due to the King, and much of what was due to the Regent, but nothing of what was due to the people. He had no wish to refuse every supply absolutely necessary; but he could not hear the proposition made to that House, as if the only fit subject of inquiry was, how much the executive demanded, and not how much an oppressed people could reasonably spare. It was putting the question as if the claims of the monarch were indefinite—as if the monarch was every thing and the people nothing. He was the more jealous of any conduct that could give rise to imputations of that kind, because he knew how to value the monarchical part of the constitution, and it was because he was anxious that it might always find its root in the affections of the country, that he was at all times jealous of any misconduct of ministers that could have a tendency to soil it with suspicion; every day was pregnant with one great lesson, that monarchies had their best foundation in the reciprocal discharge of the social compact between the governors and the governed. But how had ministers acted up to this old constitutional principle? They had not only not produced but refused to produce the accounts sought for. There was, for instance, an additional 70,000*l.* a year charged upon the people—was this necessary? Where were the documents—where the evidence to prove its necessity? The bill also empowered the Prince to reserve 70,000*l.* a year from his exchequer income, for the purpose of paying his debts. Why not pay them at once? He was aware of his liability to be misunderstood, but that should not deter him from the frank avowal of his sentiments. The public had an interest in having the royal mind relieved from the degrading difficulties of pecuniary embarrassment. The royal mind should be devoted to, if not engrossed by the great care of providing for the security and honour of his people: but pecuniary pressures were of that nature, that where they existed, they must be peculiarly goading to every well-organized mind, whether the individual was a peasant or a prince. He thought it, therefore, a public duty to remove at once this unseemly load from the head of the government: but the measure proposed by ministers left this weight of debt to linger away by degrees, and not in a dignified manner to be dismissed at once. In 1803, he had voted for the increase to the Prince, but he had also, in the same year, opposed the motion of an hon. gentleman for the payment of the Prince's debts, because he thought, though no such declaration had been made to the House, that it was the general opinion, that a satisfactory arrangement had been made between the Prince and the executive, prior to the call upon parliament to increase the income. He, however, even then thought the arrangement of ministers most defective; a full inquiry

Digitized by Google

into the civil list expenditure was in his mind the only remedy: and after all, this measure did nothing decisive as to the Prince's debts. He understood that they might, at a rough estimate, be computed at 500,000*l*. This could not be paid off in seven years. The whole had the air of a mean trick of the ministers, to keep the Prince dependent upon them; and though in that case the result must prove how miserably they had plotted, as far as related to the Prince, yet the late debates on the Droits of Admiralty shewed what an alarming fund ministers had at their disposal. The hon. gentleman then went into the question, as it affected Foreign Courts. In alluding to the charges of Mr. Arbuthnot, of whom he was willing to think with all respect, he censured the abject policy of making presents at eastern courts. He spoke from his own experience at the court of the Sublime Porte, and certain northern courts, when he said that the plain unadorned integrity of the English character was more worthily represented by those who would present no other bribe to a foreign court than the discovery of her true interests, and flatter her with no other compliment than the sincerity of mutual plain dealing. As to marquis Wellesley's charge, he thought 16,000*l*. for a few weeks stay in Spain exorbitant, however accurate the item of the expenditure. He concluded with strong and general exhortations to economy. Things could not long go on as they had done. Let ministers begin to think at last, before the time either for deliberating or acting was gone for ever.

The *Chancellor of the Exchequer* observed, that the subjects touched upon by the honourable member, had already been so fully discussed, that he did not think it necessary to enter into any particular reply. One idea, however, he had advanced which was perfectly new, and that was respecting our embassies to Eastern Courts. He doubted whether it would be wise, to strip a minister, sent from a country like this on an Eastern embassy, of all that splendour and pomp (not over-splendour, but necessary magnificence) which were always observed by other courts, and especially by those of Russia and France. The expences of such missions were known to be greater than what were incurred on other occasions; but even as it was, we were vastly inferior in those expences to the courts he had already alluded to.

Mr. *Arbuthnot* said, that as an opportunity would soon be afforded him to speak particularly to this subject, he should now say but a very few words. He should pass over every thing relating to himself; but he would inform the hon. gentleman, that of such importance did France deem her embassies to the Porte, that a fleet had been for some time lying at Toulon for the purpose of taking an ambassador in a suitable manner to Constantinople.

The Bill was then read a third time, and passed.

HOUSE OF LORDS.

Friday, January 31.

STATE OF IRELAND.] Earl *Fitzwilliam* said, he rose, in pursuance of his notice, to call the attention of their lordships to the situation of a very important part of the British Empire, and which their lordships were all aware was that part of the empire on the other side of St. George's Channel. Little did he think, however, when he gave notice of his motion, founding his intention, as he then did, upon circumstances which had then already taken place, and which had excited the most alarming discontents in Ireland—little did he think, that at the time his motion would be discussed, he should have had to lament the existence of still farther and aggravated circumstances, which could not fail to add most alarmingly to the discontents already existing, which could not fail to be pregnant with danger to the best interests and hopes of the country. Little did he think that he should have had to notice a line of conduct on the part of the government of Ireland, as developed by the mail that arrived yesterday, which he believed had no example during the whole of the last century, and to parallel which, he believed he must go back to the arbitrary reign of James the second. Where could the people look for protection or safety, if the great bulwark of personal safety and personal liberty, the trial by jury, was vitiated and corrupted? Yet he found, by the account which had reached London, of the proceedings in the Irish court of King's bench, that the jury pannel summoned to try one of the Catholic Delegates had been tampered with, and that the crown solicitor had been numbering, and marking, and altering the list in a manner that proved the exercise of the undue influence of government; nay, that sir Charles Saxton,

Digitized by Google

whom in the absence from Ireland of Mr. Secretary Pole, he must consider as the chief civil officer of the government, had been modelling the list in a manner that must excite the strongest feelings of alarm for the purity of the administration of justice in Ireland. It was true that the whole of the proceedings had not yet arrived; it was true that they did not know precisely the result, but enough had been developed to excite the greatest alarm; enough had been discovered to add strongly to the discontents already so unhappily existing. Take away, by undue means, the security the subject enjoyed from a fair trial by jury, and what remained to him of protection or safety? He hoped that the persons whose names had been implicated in this transaction, would be able to clear themselves from the charge which thus, according to report, appeared against them; but he lamented to say, that from what was already known, enough had been discovered to render the people of Ireland justly dissatisfied. Enough also had been discovered to shew, in the strongest point of view, the necessity of the motion with which he intended to conclude, for a Committee to take into its consideration the situation of affairs in Ireland. If however their lordships should consider these circumstances in the perhaps imperfect state in which they were known to be, as not being a sufficient ground at the present moment for such a motion, still there were amply sufficient grounds previously existing for agreeing to such a proposition. That the discontents in Ireland chiefly arose from the denial to the Catholic body of the same rights which were enjoyed by their fellow-citizens, there could be no doubt. This topic had been often pressed upon their lordships' consideration, and must be again and again, until the evil was redressed; for it was an evil which sorely pressed upon a large portion of his Majesty's subjects, and tranquillity could not be expected until those disabilities were removed. Why such disabilities should continue to exist he was utterly at a loss to discover. No ground or reason remained to support them. It was idle to suppose that there was a single particle of religion in the opposition made to the Catholic claims. Whether a man did or did not worship the Virgin Mary—whether he conceived he took the real body and blood of Christ, in the Eucharist, or whether he merely received the Sacrament in commemoration of the sufferings of our Saviour, was a matter so wholly indifferent to all considerations of state, that it were ridiculous to suppose that such differences of opinion in matters of religion, could influence the minds of men in mere considerations of policy; some other reasons must therefore be sought for continuing the exclusion of the Catholics, but none now remained. Whatever might have been the justice of the policy which formerly excluded them from the pale of the constitution, the considerations which dictated that exclusion, had long ceased to operate. The policy which dictated the enactment of disabilities upon the Catholics must be sought for in the latter end of the reign of Charles the second; at that period a sense of danger had justly been raised in the public mind in consequence of the well known disposition of James duke of York, the presumptive heir to the crown; his well known propensity to arbitrary power, and the support which he received from the Catholic body, raised a just alarm: and the restrictions upon that body, which were then agreed to by parliament, were founded upon well ascertained considerations of their necessity to the public safety. The subsequent conduct of James duke of York, when he succeeded to the throne, fully justified all the precautionary measures which the parliament had previously adopted, and at the same time displayed the futility of his attempts to obtain that arbitrary power which he sought. During the life of that Prince also, after his abdication, the support which he received from the Catholic body might justify the continuance of those restrictions. The same might perhaps be said with respect to the Pretender, his son, or supposed son. But for a long long time this family had become utterly extinct, and no possible reason could be drawn from the consideration that operated with reference to that family, for now continuing the disabilities of the Catholics. With what justice, then, or with what view of policy could it be contended that so large a proportion of his Majesty's subjects should be excluded from the rights and privileges enjoyed by their fellow citizens? Shut out from the offices of state, excluded from parliament, denied professional advancement, and refused promotion to the higher ranks in the army and the navy, what must be the consequence, but the engendering a mass of discontent, which must necessarily divide and distract the empire.

Digitized by Google

The parliament of Ireland had seen the policy and the necessity of conciliating this large proportion of his Majesty's subjects, and had wisely passed acts, restoring the great mass of the Catholic population to the pale of the constitution, and allowing them the rights exercised by their fellow-citizens. These concessions, so far from producing any evil, had produced the most beneficial effects. The lower order of the Catholics, thus restored to their rights, had, in the exercise of their elective franchise, gone hand in hand with their Protestant brethren, and the utmost harmony amongst both was the result, without the slightest tinge of discord arising from any difference of religion. Still, however, notwithstanding this, the higher orders of the Catholics were excluded from parliament, and from those offices and that advancement to which they had an equal claim with their Protestant brethren. Could any reason now exist for this exclusion? Was it to be believed, after the good conduct displayed by the lower orders of the Catholics, that the higher orders of that body, after being restored to their rights and privileges, would not be equally disposed to act with the same harmony and good fellowship as their brethren of a different religion? The supposition would be monstrous and absurd, and could not for a moment be upheld. He could not, therefore, discover any, even the slightest reason for the continuance of those disabilities under which the Catholics so heavily laboured, and which naturally and necessarily tended to produce irritation and discontent. The situation of the Catholics, then, formed a cogent reason for taking into consideration the state of affairs in Ireland, but there were also other reasons which pressed in the most forcible manner. The government of Ireland and the people of Ireland were at this moment actually at variance. By the people, he did not mean the populace, but persons of rank, consideration, and property. With these persons, with the great mass of property in Ireland, the government of that part of the empire was actually at variance. The right of petitioning, the sacred right of the people, the government had attempted to impede and interrupt, and in their efforts for that purpose the government had failed. They had brought a case before a jury, and notwithstanding the manner, not very decent, in which the counsel for the crown had challenged the Jurors, a Jury of twelve men had acquitted the defendant. Was not this direct variance between the government and the people of Ireland one of the strongest possible reasons for inquiring into the situation of affairs in that part of the empire? Was it not of the greatest importance in the war in which we were engaged, that the whole united strength of the empire should be put forth, and that all ranks and classes of his Majesty's subjects should be united in one common bond of union? But how could this be effected, if discontents were suffered to exist, and their causes remain unremoved? From every consideration, therefore, of policy and of safety, he thought their lordships were called upon to set about enquiring into the causes of those discontents, which undoubtedly existed to an alarming extent in Ireland, with the view of allaying and removing them by timely conciliation and concession. The noble earl concluded by moving, "That the House do resolve itself into a Committee of the whole House, to take into consideration the present situation of affairs in Ireland."

The Duke of *Devonshire* said, he rose to second the motion with considerable diffidence, in now addressing their lordships for the first time. He could not however justify to himself the neglect of an opportunity upon so important an occasion of expressing his sentiments. He concurred in all that had been urged by his noble friend, and he trusted that all their lordships must see the necessity of agreeing to the proposed inquiry—must see the wisdom and the policy of conciliating the great mass of the population of Ireland. To such a line of policy he was a warm friend, thinking it the only means of rendering the empire safe and secure, by the firm and sincere union of all classes of the people.

The Earl of *Rosse* observed, that the noble mover had spoken of discontents of Ireland, and he was not surprized that the noble earl should take a deep interest in the affairs of that part of the empire, not only from the magnificent property he possessed there, but from his serious desire for the welfare of the country. He lamented that there were discontents, but he could not agree with the noble earl in the mode he proposed of allaying them. He regretted that the noble earl should have brought forward the charge of tampering with a jury, and should have mentioned the name of a highly respectable individual. Upon what did the noble

Digitized by Google

earl found that charge? merely upon report. If any charge was proved against persons of tampering with a jury, he would most heartily join in the censure which such persons deserved; but surely it was time enough when such charge was brought forward, founded upon regular documents, to take it into consideration. At the present moment a report in a news-paper formed the only basis of that part of the noble earl's speech which related to this topic, and not a single document was before the House, from which they could form any judgment of the nature of the circumstances alledged? —Was any noble lord assured of the fact? Did any document appear on their lordships' table? If not, how feeble was the foundation, how weak the basis, on which the present motion for inquiry rested; for, he would ask, did it become the dignity of that House to make the newspapers of the day a ground for a solemn proceeding? If facts had really happened as was stated, there were laws in Ireland to vindicate the wrong; but, noble lords should not suffer their minds to be prepossessed on such a subject.—The second ground relied upon, was, the alarming situation of that country. The exigencies, it appeared, were so pressing, the danger so immediate, that no time was to be lost. His own view of the circumstances, he must say, differed very widely from those of the noble earl. He thought no danger was to be apprehended while the Irish government was firm, and while we were disposed to support its acts. To him it appeared, that the alleged discontents were the strongest argument against the present measure: for even if the House were disposed to do all that was required of it, the measure ought to spring spontaneously from its own bounty and liberality, and not, as might now be imputed, from fear. The Catholics, indeed, had assumed such a tone of determined hostility; they had treated the promulgations of government with such contumely, that any concession must at present appear, in the extremest degree, mean and pusillanimous. The Catholics would then be the victors, the government the vanquished; and, like all other victors, the Catholics would press on to make new demands, and enforce new claims. He agreed with the noble earl, that the cause of the present discontent was the being prevented from petitioning in the manner desired. If the government had attempted to stifle petitioning, then their lordships might have been properly called upon to interfere: for the Catholics had the same right as all the rest of his Majesty's subjects to petition: but the Irish government had not attempted to impede the Catholics in any measure where they would not also have impeded the Protestants. The claims of the Catholics could be but equal, not superior, privileges to the Protestants, who, if they had endeavoured to petition by convention, must have been proceeded against in a precisely similar manner. He would for a moment put the Convention act out of the question, and ask, whether the people of England would have a right to petition by convention as attempted in Ireland? The House of Commons were the only constitutional representatives of the people: but for a moment he would suppose the case to be otherwise; that the people should elect another representative body, —that delegates from different counties should meet in the metropolis, and for the most legitimate object,—the redress of grievances. When so met, what could hinder them from agitating every subject connected remotely or directly with their main object? Might they not discuss the whole system of peace and war, the raising of taxes, the ability to pay them, the resources for recruiting armies, the state of our foreign relations—in short, the whole internal and external policy of the kingdom? All the topics, in fact, which occupied the attention of parliament in the course of a whole session, might be deliberated in such a conventional assembly. What, however, would be the consequence of two such representative bodies? Surely this, that it would frequently occur that one representative convention would issue opinions directly opposite to those of the other. He would ask, also, if such a convention had a right to sit for a day or a week, why not for a month or a year—or as long as parliament should sit, or as long as it pleased? If however, no noble lord could shut his mind to the dangers of such a convention—if all must agree that such a representative assembly should be crushed in its very commencement, then the Irish government should not be reprehended for doing what the English government, in a case exactly analogous, would be reprehended for not doing. If he were asked what precedent, what law, he could adduce in support of his opinions, he would answer, the immemorial usage of our

Digitized by Google

ancestors; the non-existence, during any period of our history, of such a scheme of representation, (for the convention of the Revolution was not a corresponding case); and, lastly, its incompatibility with the nature of our constitution. The law, then, had dictated to the Irish government the course which it was their duty to pursue. An act of parliament had dictated the same course—and they had pursued it. He wished the noble lords to recollect, that when the provisions of that statute were first debated in that House, no noble lord had objected to the construction of that act, but to the method of promulgating it. The noble lords on the opposite side had recommended the method by proclamation; the Irish government had adopted that method on the present occasion; and if the Irish Catholics had entertained any respect for the two Houses of Parliament, or for the ordinances of their own government, they would have desisted from a farther prosecution of their plan. On the contrary, what steps had they taken? The Irish government, in exact compliance with the proposition of noble lords on the other side of the House, had, on one day, issued a proclamation; they had at the same time addressed a communication to the head of the Catholic body: but the very next day a counter-proclamation appeared from the Catholics. Thus they set themselves in direct opposition, in evident and open hostility, to the government; and was this a time to submit to their pretensions and adopt conciliatory measures? The government were accused of exciting discontent among the Catholics; but how had they done so? By enforcing the laws. Surely, not to those who enforced, but to those who broke the laws, should be imputed the blame of exciting discontent. The conduct of the duke of Richmond, so far from being reproachable, appeared to him to deserve great praise for its conciliatory spirit and forbearance, as long as such forbearance was legally possible. For to what excess might not the principle and plan of the convention have been carried? How had America proceeded when it wished to separate itself from this kingdom? Was it not by means of a representative assembly? The government, it appeared, had exerted itself with vigour to crush a dangerous convention. Would the noble lords desert them in this laudable attempt? Would they not rather second them, and confirm their acts? All that was loyal in Ireland would look to parliament for that firm assistance which it was wont to receive from it. Should this be granted, then all the dangers with which we were menaced would soon pass away. The noble lord then stated, in conclusion, that had the conduct of the Irish government been weak and pusillanimous, there would have been cause of fear; but since, on the contrary, it had been bold and determinate, since it had with persevering firmness upheld the laws against all persons who had infringed them, however high their rank,—in this state of things, said his lordship, "the number of the discontented may be great, the ranks of the disloyal may be numerous, but Ireland is safe."

The Duke of *Bedford* entertained all due deference to the opinions just delivered, but the chief impression they had left upon his mind was, that the noble earl had not condescended to pay attention to the able and comprehensive speech of the noble mover; and scarcely a sentence uttered had been in answer to it. The noble earl had stated a most extraordinary hypothesis with regard to the recent conduct of the Catholics, which could scarcely be seconded by any person who had remarked the late proceedings of that body. He had also passed a warm eulogium on the character of a noble duke with whom he was connected in bonds of relationship and friendship, at the head of the Irish government, and for whom he entertained unfeigned esteem; but in contemplating a question of the importance now under discussion, he felt it necessary to separate his private from his public conduct: and although the noble duke might have been misled, he was convinced that he had never acted with wilful injustice. In the sister kingdom was exemplified this strange anomaly, that while the majority of the people over whom authority was exercised was of the Roman Catholic persuasion, the government itself was Protestant, and while four-fifths of the population were excluded from their most important privileges, one fifth only engrossed every office of honour and emolument in church and state. The applications to parliament on this subject had been numerous, and the disappointments as frequent, arising from various causes, but chiefly from the intolerant spirit exhibited by the British government, which if now overcome would contribute more than any other measure that could possibly be devised to the tranquillity and pros-

Digitized by Google

perity of Ireland. What had been the conduct of ministers? They had heaped upon the suffering people the grossest insults, which were returned only by forbearance and loyalty. It had been said during the debate that the Catholic inhabitants were not only disposed to, but had been guilty of the most disorderly conduct. Was this a correct statement, or, rather, was not the direct converse of the proposition true? Or, supposing that the assertion were well founded, was it a matter of small importance to conciliate the affections and procure the support of four millions of people by a performance of what was in reality an act of strict justice? It might be urged, if the House condescended to notice so humble an individual as himself, that during that time he had the honour of holding the reins of government these claims had not been allowed. It was true, and many cogent reasons might be stated, and it would be acknowledged on all sides, that the late administration laboured under many difficulties in this respect which it was not now necessary to detail. While, however, he resided at Dublin castle, he had proposed a plan of conciliation, which he was happy to find had been followed by his successor, with the most beneficial results. The Protestants of Ireland had considerably impeded the progress of emancipation: he did not mean to implicate in this heavy charge the whole of the establishment, but only that part which arrogated to itself exclusively the title of friends to their king, their country, and the constitution, who called themselves the heads and leaders of the Protestant party in that island. They, indeed, claimed these distinctions; but from experience he could affirm, that in morality, in loyalty, in patriotism, and in fidelity, the Catholics could not be exceeded. The only distinction was, that the one was basking in the golden sunshine of favour and emolument, while the other was suffering under every civil and political deprivation—the jargon of party might raise the one, but the acknowledgment of truth would exalt the other, and silence those who would countenance such gross and illiberal absurdity. He did not mean to trespass on the patience of the House, by considering further the relative situation of the government and the people, as the subject would be much more properly discussed in the Committee proposed by his noble friend; but he begged leave to ask one question of the noble lords opposite, namely, Whether the sentiments expressed by the Catholics now were either trifling or momentary? Did the experience of many successive years, during which this feeling had been maintained, prove that it was so? If it were not, why did not government hold out to them the hand of friendship and peace, when all hearts would be engaged in defence of every thing which the subjects of the crown of England held dear, at a time when the exertions of a daring and insidious foe rendered it more than ever necessary that we should all be united in one common cause for one common interest. He would not thus strongly have impressed upon the House the necessity of adopting the motion, were he not convinced that the future happiness, almost the very existence of Ireland as an integral part of the British empire, depended upon the decision of this momentous question.

The Earl of *Aberdeen* took a survey of the general state of Ireland, in order to examine what it was which could so urgently call for an enquiry into the condition of that country at the present moment. What most forcibly struck him in considering the state of Ireland, was the tone and attitude which the body of the Roman Catholics had assumed in the preparation and furtherance, as they called it, of their petition to parliament. Was the present the proper moment for pressing forward their claims? Was their Petition ready to be laid now before the House? Was it in the manner in which that petition was prepared, or the circumstances that attended and marked their meetings, that parliament was to discover and hail that moderation, that forbearance, that respect for the laws, that veneration for the constitution, which had so much and so frequently been the theme of panegyric and applause with their advocates? What was the real object of the motion which the noble earl had that night submitted to their lordships' consideration? Were not the noble mover and those who supported him anxious rather to extend the inquiry into the whole conduct of his Majesty's government—to canvass and criticise their proceedings under all the aspects of that conduct? This he believed was the true motive and object of the present motion. But he had attentively watched the proceedings of the government in Ireland; indeed, the general measures of his Majesty's govern-

Digitized by Google

ment both there and at home; and his humble opinion was, that that conduct not only was not deserving of blame, but was highly entitled to commendation. It would be impertinent in him to detain their lordships with a detail of all that had recently passed in Ireland. All he would now take upon himself to say was, that in all their late proceedings, the conduct of the Irish Catholics, notwithstanding their own, and the claims of their advocates to the praise of moderation and forbearance, had every thing in it that bespoke the very reverse, and appeared to him, upon the whole, to be highly reprehensible. They seemed wholly to forget the many successful endeavours that had been made to improve and meliorate their conditions; endeavours which the liberality of their own parliament, and of their Protestant fellow subjects, had carried as far as respect for the constitution, and a due regard to its security, would admit. Much had been said about the rights of mankind—about the rights of the Irish Catholics to the privileges and immunities which they claimed. Would the noble lords who started this question of right, contend that the Irish Catholics could claim those privileges and exemptions as matter of right? Would they assert that the question of right properly belonged to the situation of the Irish Catholics: If they did, then must they be also prepared to assert that it did not belong to their lordships' House; that neither this nor the other House of parliament, nor both together, had the right to impose restrictions on any class of men, even were those restrictions deemed necessary for the security of persons and property, and for the general good and welfare of the community at large.—He should not enter into any minute discussion of the tendency and nature of religious opinions merely in their speculative form. He wished to consider them only as they might shew themselves practically, and how far that practice was or was not inimical to government. Under this point of view, he would consider the claims of the Catholics; and ask what had been refused to them, or, rather, what had not been granted to them within the space of a very few years? And, after all these concessions, of what did they now complain, and what did they further require? Their complaint, it seemed, was now reduced to this, that they were still precluded from holding certain offices in the state. On this point they were at issue with parliament, and would their advocates contend that as a matter of right they could claim an admissibility to those high offices. This was the real state of the question. If that doctrine was set up, he for one would not hesitate to declare that it was not tenable. He was as solicitous as any noble lord could be for the better improvement of the condition of Ireland. But would the granting of the present claims of the Catholics contribute in the least to that improvement? He thought not: neither could he see the danger of withholding such a grant. At a distance, some appearances would indicate dangers. Those dangers, however, diminished as we approached them, and vanished altogether upon a nearer view.—The noble lord then proceeded to vindicate the late conduct of the Irish government, and to shew that the spirit which animated that conduct was in no respect hostile to the right of petitioning, or to any other right to which the Catholics had a fair claim? Where, then, were the grounds of the invectives which the noble duke had heaped upon the conduct of that government towards the Roman Catholics? What prejudice or severity had been manifested with respect to them? Were not the persons of the Roman Catholics held as sacred, and was not their property kept as secure as those of their Protestant fellow subjects? Let the noble duke adduce one instance of flagrant partiality towards the Protestants, and of prejudice and severity against the Catholics, and he would then acknowledge there were some grounds for enquiry. Let it even be shown that the operation of the Convention Act would be less injurious to the Protestants than to the Catholics, if the former should act in violation of that law. If the Protestants, under the pretence of petitioning the King or parliament, or any other pretence whatsoever, should delegate and assemble 500 persons of the first respectability and weight among them; if that assembly were to meet and deliberate, and thus form a representative body, independent of the legislature, would the government be justified in allowing such proceedings to go on without interruption? Was not such, however, the recent conduct of the Irish Catholics; and was their conduct, contrary as it was to law, and pregnant as it might have proved with the most dangerous consequences to the state, to be allowed to pass unnoticed and unchecked? That indeed would be an in-

Digitized by Google

stance of blind and extraordinary partiality and favour towards the Roman Catholics.—The noble earl next entered into a vindication of the late judicial proceedings in Ireland, and contended that it was the indispensable duty of the courts to proceed as they had done. It was not surely to be allowed, that pictures of sedition were every day to be exhibited with impunity, without any interference on the part of any of the constituted authorities of the country; that would unquestionably not be the surest means of improving the condition of Ireland. No! the prosperity and happiness of the united kingdom would only be promoted by mutual sacrifices, by reciprocal forbearance, and by the harmony of the exertions and energies of both, as cordially co-operating against the machinations and the violence of the common enemy. The question was a question of expediency, and such being the impression of his mind he must vote against the motion.

The Marquis of *Downshire* called the attention of the House to the meaning and operation of the Act of Union, as far as it had hitherto influenced the prosperity of Ireland, because he thought it connected very closely and materially with the question in debate. If indeed, it should be found that his native country had been considerably benefited by this measure, and had reaped any of those advantages which had been held out to her eleven years ago, she might certainly bear, with the greatest patience and fortitude, any deprivations which she had experienced, and which he had severely felt and deeply regretted. That any advantages had resulted to her, from the compact, was certainly not the case of Ireland, and much less of the Catholics: what she had lost by the Union was registered in the mind of every Irishman; what she had gained was a matter of much more difficult calculation, if not of mere conjecture. She had been deprived of her legislature, of her metropolis, and even of her name as a nation: the commonwealth had been reduced to a dispirited population; above all, she had been most deeply wounded by being deprived of the domestic residence of the greater part of her nobility and gentry, which had tended, more than any other, to keep the remaining population ignorant and debased. The happy fruits that had been reaped, he must leave to the determination of noble lords on the other side of the House, who were better able to judge, having most tasted them; but Ireland was now left barren and unprofitable. It was asserted by some, and denied by others, that at the time of the Union, an assurance (equal in all honourable minds to a solemn treaty) was given to the Irish Catholics that they should be relieved from the hardships and difficulties under which they laboured. Such was the statement. Whether the Catholics ought to have paid so high a price for this expectation, might be reasonably disputed; but of this his lordship was sure, that without this expectation the Union would never have been effected. The very essence of union was reciprocation of interest and participation in civil rights, and where these objects were not accomplished, but the prosperity of the one depended on the poverty of the other, nothing but alienation of feeling and discord of sentiment could ensue. It was for parliament to determine whether it was more advantageous that both should prosper, or one only be successful and happy. The conclusion that the contemplation of this injurious compact led to, could not be denied, namely, that there may still be a nominal union, but that the separation of heart and mind would be real and permanent.

The Earl of *Hardwicke* stated himself to be satisfied as to the necessity of an inquiry into the policy of the measures which had been adopted with respect to the Catholics. He said, that similar proceedings to those which had recently aroused the suspicions of government, had taken place in Ireland during his administration in 1805, and that so far was he or any of the persons connected with him in the government, from being apprehensive of any ill consequences from them, that they had received every countenance and support. Whatever might be now thought on the subject, it was then his opinion, and he had thereby governed his conduct, that the application of the Catholics to the legislature would, in all probability, receive more attention and respect, when it was known that it had been forwarded by a numerous and respectable assembly of country gentlemen, and other individuals, whose rank or wealth entitled them to consideration; and he recollected that it was in contemplation at the time to send a deputation to London, with the petition, composed of such persons, as a further means of imparting to it that dignity which it seemed to be now thought it could not receive from any thing of the

Digitized by Google

kind. With respect to the general question, out of which that before their lordships had grown; he meant that of Catholic Emancipation; he would not now trouble their lordships by entering on it at large, but he wished to draw their attention to a single point. He wished them to cast a retrospective glance on the penal laws. He would not require them to trace their history from any very distant period; their relaxation was that on which he was now about to observe. This commenced in the year 1778. In the year 1792, the concessions then made were followed up by others of a very important nature, and in 1793 the Catholics obtained, with several other privileges, the elective franchise. He would now state, that at no period, to which he had adverted, was there any hesitation or reluctance, manifested by the government. On the contrary, they had manifested a desire to go greater lengths than they did actually go, and were only prevented by the apprehension, that they might outstrip the feelings of the Irish legislature; and thus, in an endeavour to obtain for the Catholics a greater benefit, frustrate their hopes even of the lesser. As to his own opinion, with respect to the remaining disabilities affecting the Catholics, he could not conceive that any penal laws should be continued in force, when the cause of their enactment no longer subsisted. The cause which had produced the enactment of those in question, did no longer subsist; and that being the case, the sooner they were got rid of the better.

Viscount *Sidmouth* declared that he felt himself little able to do justice to the subject now before the House, which he agreed with the noble earl with whom the motion had originated, in thinking, was one of considerable importance. He could not agree with the noble earl, however, in the view he had taken of the matter, but rather concurred in the very different view of it so ably stated by the noble earl on the other side, both as to the state of Ireland, and the causes to which that state was to be attributed. The noble earl who had made the motion, argued the case as a matter of right, and at the same time seemed to contend for it as being a right which pertained not to the great body of the people, but as one which belonged only to the men of rank, wealth, consideration, and consequence, who, as such, were entitled to all the privileges existing, or which ought to exist, in a free country. The arguments of the noble lord in the green ribbon, however, had succeeded, he had no doubt, with the House, as they unquestionably had done with him, in shewing that the reasoning of the noble earl who had brought forward the motion, was untenable. The question had been treated by the noble lord in the green ribbon, and by other noble lords, as one of expediency. The noble earl who originated the motion, and those who agreed with him, treated the subject as involving a question of right which had been withheld from the higher orders, while every thing that was necessary for them had been granted to the lower ranks of the people. In this he could not agree. He contended that where there was any thing which existed as a matter of right, it must be common to all. It was a narrow view of a subject to suppose that where a thing was demanded as a right, the higher orders only were to be benefited by it. It was of the essence of a free constitution, that a man, however low, may rise to the highest situation in the state: and this brought his lordship to consider from whence arose the unhappy state of Ireland, which all must agree in deploring. He might be told that it arose from a vicious system which prevailed throughout. For his own part, he was convinced it arose from the repeal of the penal laws, and from giving to the Roman Catholics, privileges which till of late years, they had not enjoyed, while at the same time, some farther privileges which they wished, but which were with-held, lest the granting them might be attended with danger to the country in general, were denied them. Though he deplored extremely that penal laws should ever have been esteemed necessary to have been imposed; and also lamented the height to which at one time they had been carried, still he was satisfied that there was a policy or rather a necesity for those penal statutes at the time they were imposed. At the time the penal code was imposed, the Protestants were smarting under a severe rod, from the abuse of power by a Roman Catholic parliament. The Roman Catholics had then attainted 3,000 Protestants, seizing and confiscating their property—and had repealed the act of Henry 8, by which Ireland was annexed to Great Britain. The Protestants did from that time exercise a vigour which did not belong to them from their numbers, but which it was necessary for them to resort to for their own safety. When noble lords looked into the statute book, and saw

Digitized by Google

the alterations and ameliorations in the condition of the Roman Catholics which had taken place in the course of the present reign, he was satisfied they would agree, that never was there a time in which so many changes of a favourable nature, had, within the same period, been made in the situation of any class of men, in any country, as had during the present reign, been made in behalf of the Catholics of Ireland. If he were to refer to the statute book, and to state what the law had been, and what it now was, noble lords, he was convinced, would agree with him in bearing testimony to the peculiar benignity with which this particular class of his Majesty's subjects had been treated. The increased wealth and population of Ireland were the best comments on the effects resulting from this benignity. It was said that the 'evil a man did lived after him.' This, his lordship was of opinion, was here illustrated, and that the effects of those penal laws still remained, and were felt in Ireland in no inconsiderable degree, notwithstanding they were now repealed. His lordship denied, however, that it was by conferring privileges on the higher orders that the situation of the great mass of the people could be ameliorated. The higher ranks of the Roman Catholics of Ireland had no claims, either as a matter of right, or as a matter of sound policy, to privileges which did not equally belong to the great mass of the people, who were not at all interested, nor seemed to be in the contemplation of the noble earl, while he set up the right of the higher ranks to the privileges which it was the object of his present motion to obtain for them. His lordship had not of late attended with any great minuteness to what was going on in Ireland; but from all that he could learn, there did not seem to be any ground for imputing blame to the government of that country. The noble duke who was at the head of affairs in that country, he knew well, and this he could say, that a more manly, honourable, or generous person, did not exist, nor was it in his nature to act with unnecessary severity towards any individual, far less towards the great bulk of the population of a country over which he was placed as the head. Why then, he asked, should the House go into a Committee? He recollected that previous to the Union, there were motions made for going into an enquiry into the state of Ireland, in a Committee of the whole House. Noble lords were then told, that those measures would be improper, as the effect would be to raise expectations which would not be realised. In this way had things gone on for eleven years, year after year, and in the year 1806, when noble lords, who had always been friendly to such inquiry, were in office, they did not absolutely refuse still to support the measure, but they recommended to the persons then petitioning for a redress of grievances, not to press the matter at that moment, but by their forbearance to evince their wisdom and patriotism. If this was so in 1806, 7, 8, 9, and 10, what was there that altered the case in 1811, or 1812? If noble lords chose, he should go back to 1801, and 1802, when it had been necessary for him (lord Sidmouth) to enforce martial law. No motion for inquiry was then thought necessary. Such effects had been produced by the conciliatory measures adopted from time to time for amending the situation of the Irish Catholics, that if an inquiry into the state of the country was not then thought necessary, he could not conceive that there was ground for supposing it necessary now. There seemed at the present moment to be a sensation in that country, though not to the same degree, yet not altogether unlike that which unhappily prevailed at the time to which he had alluded. He hoped, therefore, that the noble lords opposite would not now by their example, tell the people of Ireland that they ought to lose sight, at the present moment, of that forbearance, wisdom, and patriotism, which in 1806 they had so much praised. He denied that there was, either at the time when Mr. Pitt thought it unseasonable to press the inquiry, or at the period to which he had already alluded, any obstacle which did not exist in full force at the present moment. What was that obstacle, but the feelings of the people of Great Britain? Would noble lords pretend to say that this obstacle was now removed—that it had ceased to exist? If they thought so, they miserably deceived themselves. The right hon. gentleman to whom he before alluded (Mr. Pitt), who felt as strongly in support of the Catholic Claims as any man could do, had declared the Veto to be one of the securities which, in the event of these claims being conceded to them, it was his intention to take in return. The House, however, was now called on to go into a Committee on this measure, one of the most important the House ever had under its consideration, without being told whe-

Digitized by Google

ther this obstacle did or did not exist at the present moment. It was stated on a former occasion, that if this Veto was not conceded by the Roman Catholic Clergy, the motion for an inquiry could not be entertained. They were now called on, however, to go into a Committee, without being informed whether that condition was or was not now to be insisted on; or if the Catholics were more prepared to give way in this point, and to make the concession required. He was not one of those who were of opinion that this Veto would have the effect of separating the Hierarch of the Catholic Religion from the Roman Catholic Clergy of Ireland. It only went to give to his Majesty a sort of co-ordinate authority in the appointment of the Irish Catholic clergy, along with the person who was the head of the Roman Catholic religion, with the view of so far protecting the Protestants. This Veto, even if conceded, did not appear to his lordship to do more than simply to meet part of the objection, by no means to remove what he esteemed the insuperable objection. There was not, he contended, a single particular, in respect to personal property, or otherwise, in which a Roman Catholic was not equally protected with a Protestant. In expressing his opinion as to the Roman Catholics, his lordship was far from being actuated by any desire to derogate from their loyalty to the king, or regard to the constitution. If he believed they were deficient in either of these respects he would boldly state his opinion. He was satisfied, however, that there were tenets in their religion vitally inconsistent with the constitution of these kingdoms.—The question which the House was now called on to decide, was simply this: after the inquiry now demanded had been five several times refused, ought the House, at the present moment, without any petition from the Catholics, voluntarily to take that step which they had refused at the time when the Roman Catholics of Ireland came before them in the language of petition? He agreed with those persons, who said, that if parliament did grant the Catholic claims, they ought to do so because they were convinced that it was a measure of policy and of justice, not one which they conceded from fear. He opposed the present motion, because he did not think it wise or politic in the House, to endanger the civil and ecclesiastical rights of the Protestant inhabitants of this country, by conceding to the Roman Catholics of Ireland privileges which were inconsistent with the rights of which the Protestants were now in possession, and to which the Roman Catholics had no just claim. He asked, was not this a religious question? Was not the House called on to protect the true religion, established by law in this country? And must they not greatly detract from that estimation in which it was essential that it should be held, by allowing it to be supposed that they so far countenanced mass, as to put it on a level with the established religion of the country—allowing it to be regarded as a matter of indifference whether persons went to the church, to mass, or to the synagogue. He hoped the House would stop short of this. If they did not, they might have an established church, but they would have an indifferent and divided people; and if so, they would not long have an established church. Union, he contended, was of the essence of our religion. On the protection of our church he was satisfied, in a great measure, depended the welfare of the state. The more the one was encroached on, the less dependence could be placed on the solidity of the other. He must therefore oppose the motion of the noble earl for the House going into a Committee.

Lord *Somers* said, the present question ought to be considered on the broad ground of justice and policy. The Catholics had reason to expect, that after the Union they would obtain the privileges which were so long disputed; if it was not for that conviction, he understood that they would not have given their support to the measure; and if this was the case, had they not a strong claim of justice upon their part? If no mischief was likely to arise from granting their request, what objection could be stated against it? Where were the dreadful consequences which some persons seemed to anticipate, from allowing them the right to sit and vote in parliament? If he stated the number of peers at ten or twelve, he supposed it would be the outside; and supposing in the House of Commons, that one half of the Irish members were to be returned by that body, what mischief could arise from the admission of 50 Catholic members among a body consisting of nearly 700? He had always remarked, that on every question that related to the Roman Catholics, the great majority of the members at present returned by that country voted as they would have done if

Digitized by Google

they were Catholics; so that the evil to be apprehended from a number of Catholic members voting in the same way with a similar number of Protestant members, was of a nature altogether incomprehensible to him. He did not see in what manner they could be supposed to destroy the constitution. God forbid that the constitution should stand on such a ground as to be so easily and so unaccountably shaken. But supposing them to arrive at the high offices of state, still he could see no danger. Was it natural to suppose, that the illustrious person now entrusted with the government of the country, would appoint such Catholics to those offices as were likely to overturn the government, any more than he would appoint Protestants of a similar description? Again: to look to the case of the magistrates and sheriffs: the sheriff was appointed by the crown, and of course was affected by a similar security. The magistrate was recommended by persons high in influence and respectability, and in this case as in the others, there was no chance of a preference in favour of disaffected principles. If, therefore, no harm was likely to happen from granting this boon to the Roman Catholics of Ireland, why should they refuse it? They had heard a great deal that night of the benefits which were already conferred upon the lower orders, and they had heard that the present claims would affect the higher exclusively, but this appeared to him a most superficial argument. The lower classes were only guided by persons of better education, and if this measure was granted, they would be led by men of great property and distinction; men who were already disposed to venerate the constitution of the country, and to guard the stake which they possessed in the advantages of her free and happy government. By granting this measure, they would give those men a greater weight with the lower orders; but, by pursuing a contrary course, they would disoblige the great, without benefiting the inferior, and throw the guidance of those minds into the hands of villains, who wished for confusion: by granting this measure, they would act in the most politic manner with regard to the whole mass of the Irish Catholics; for surely it was impossible that a great body of people should not be more pleased with the government which placed them upon equal footing with their fellow subjects, than with one which had thought proper to draw distinctions to their disadvantage and to its own disgrace. It was impossible that it should be otherwise while men were men. The individuals who at present governed the minds and passions of the lower orders of the Catholic community, were perpetually dinging in their ears that they were oppressed. The doing away of all disqualifications was the way to surmount this difficulty, and to remove this pretence. The Roman Catholics, he agreed, ought to feel, that they had obtained more relief from their present monarch than since the Reformation; but if there was something more which it was the interest of the public to give them, he did not see why that should be refused. The laws of the country encouraged them to enter into its service in the army and navy; but if in that situation they were to be sent to England, they were subject to penalties for their religion. Was this no hardship to them? Was this no disgrace to us? Would it not have disgraced the worst of times, and the basest and most disturbed of revolutionary governments? The fact was, that as the law now stood, they were liable to informations on this account, and the reason that informations were not given, was because we were ashamed of our own act, because it was so contrary to reason, to justice, and to the feelings of Englishmen, that out of the very dregs of the people—(for dregs there must be in all countries)—there could not be found one so vile as to avail himself of the power. He would have them to give the Catholic laity all they asked. It was right they should have it. They had already done too much to retract, and if they did not mean to do more, they were unwise in having done half so much. He agreed with the noble viscount who spoke last in disapproving of the late conduct of the Catholics, but if the Catholics had acted inconsistently, was that any reason why we should punish ourselves? He agreed with the noble viscount that it was necessary to have an established religion, but he could not allow that the refusal of those claims formed a proper foundation for the existence of that establishment. A strong idea had gone forth, that the illustrious person now at the head of the government, was favourable to this measure; and if ministers had taken any steps to advise the contrary, they were wrong. He hoped that they would see the expediency of satisfying the mind of that country, and asserting the character of this,

Digitized by Google

by removing the disabilities under which so great a portion of the community at present laboured.

Marquis *Wellesley* said, that the subject, which had been presented to the attention of their lordships, was worthy to engage it. The state of the affairs of Ireland was so intimately connected with the general prosperity and strength of the empire, that the hereditary counsellors of the crown could never be employed more usefully to their sovereign, or to their country, than in examining the situation of Ireland, her resources, her internal administration, her happiness and welfare, and above all, the condition of the great body of her population. But although these topics must ever be present to their minds, the ancient usage and established practice of parliament required, that their lordships should consider deliberately the manner, and the season, in which this inquiry was pressed upon them. The magnitude and importance of the questions proposed, their general claim to attention, would not induce that House to enter hastily into the Committee, without previously adverting to the professed motives and objects of the intended enquiry, to the probable consequences of its progress, and to its ultimate result. Nor would their lordships advance one step in the course recommended by the noble mover, until they should have carefully examined what might be the operation of their vote upon the strength and honour of the executive government in Ireland, upon the due administration of the law in that country; upon the law itself; how the temper of the people and of contending parties might be moved by this proceeding; and what might be the influence of the noble earl's proposition, even upon the very point of his solicitude; the interesting cause of the Roman Catholics of Ireland.

The first ground, on which the noble earl had rested, was the supposed misconduct of the executive administration in Ireland, and the necessity of censuring its acts, and of arresting its career, in an alleged course of violence and injustice.

What had he placed in the front of this great argument? A vague report from a newspaper of that morning, imputing to an officer of the Irish government some interference in the return of the pannel of a jury. Until he (Lord W.) entered the House, this report had not reached him, and even if it had fallen under his observation, in a form so unauthentic, he would not have deemed it of sufficient importance to constitute the ground of any proceeding in that assembly. But from further enquiry, he found that the court of King's-bench in Ireland, after solemn deliberation, had actually dismissed the complaint on which the noble earl rested this important branch of his proposition: nor was there any reason to apprehend, that any other circumstance in the trial now depending before that court had afforded a just motive of alarm for the safety of any principle of justice, of law, or of the constitution. Neither the dignity of the noble earl's character could admit of any further attention on his part to that ground of his motion; nor could their lordships deem such a transaction to be a sufficient cause for entering into the proposed inquiry, without any authentic fact, without even any public rumour of criminality, and with the knowledge, that the court of King's-bench in Ireland had dismissed from its bar, as trivial and groundless, the charge on which the noble earl required their lordships to proceed to a Committee of inquiry.

From this particular charge, the noble earl had advanced to a more general and enlarged accusation, and had imputed to the Irish government a perversion of the law of Ireland, for the criminal purpose of obstructing the Roman Catholics of Ireland in the exercise of the sacred right of petition; and this accusation was to form a principal object of inquiry in the Committee proposed to their lordships. If any reasonable ground of suspicion had existed to justify an apprehension that the government of Ireland had presumed to interfere between the subject and the crown, or between the people and the parliament; or had dared to prevent or to embarrass the legitimate right of petition; to prejudge the merits of any petition; or to affix the authority of the lord lieutenant to any opinion upon the claims of the Roman Catholics; then indeed inquiry would have been indispensible; and if the charge could have been substantiated, their lordships must have addressed the throne, for the removal of a government, so unfit for its high trust. But no impediment had been opposed in Ireland to the right of petitioning the crown or parliament; no vestige could be traced of a project so arbitrary and desperate, in any act of the government, in any argument of the law officers of the crown, in any opinion or decision of the courts of law. The question

Digitized by Google

had not involved the right of petitioning, or the merits of the claim of the Catholics; it had arisen merely upon the form and constitution of a particular description of assembly of the people; and upon the application of the provisions of the statute law of Ireland to that form and constitution. The right of petitioning could not have been denied, for it had not even been argued; that great constitutional privilege was not now even a matter of argument; it was placed beyond the reach of all question; but even that exalted privilege was to be exercised according to law; in Ireland, according to the law of Ireland: and the question at issue in Ireland had been, not whether the Roman Catholics should freely petition the crown or parliament, not whether their claims were just, but whether the description of assembly, which they had elected, and in which they met, was conformable to the law of the land: upon this question, solemnly argued, the decision of the court of King's-bench in Ireland was directly in favour of that construction of the statute law of Ireland, which the lord lieutenant and council had enforced by proclamation, with the advice of all the law officers of the crown, and for which the law officers of the crown had contended at the bar of justice.

In the name of his Majesty's servants, on the part of the Irish government, and of its respectable and honourable advisers, lord Wellesley denied every part of the noble earl's charge. The Irish government was not authorised to question or to obstruct the right of petition, or to touch the claims of the Catholics. The Irish government had not attempted any such violence: such an attempt would have been repugnant to every sentiment of the honest heart of the noble duke, who represented his Majesty in Ireland, and who would have repudiated, with indignation, any instruction or advice tending to interpose his noble name and high authority between the people of Ireland, and their gracious sovereign, or the legislature of the united kingdom. The person (Mr. Wellesley Pole) who held the highest confidential charge under the noble duke in Ireland (and in that person's honour and fame lord Wellesley naturally felt a cordial and affectionate interest,) was too well grounded in the principles of the constitution, and in habits of reverence for the law; too deeply interested in the prosperity of Ireland and affectionately attached to her welfare, to advise any violation of the rights or liberties of the people of Ireland.—That person was also of a firmness of mind, and a fortitude of spirit, that would never decline a resolute assertion of the laws of his country. In fact, the government of Ireland had committed no crime and no error, unless the firm and temperate assertion of the law of the land was criminal or erroneous.

The Act, denominated the Convention Act in Ireland, was a law of prevention, founded on long and perilous experience. The object of the law was to prevent the formation of a peculiar description of assembly, which experience had proved to be dangerous; unnecessary for the representation to the Crown or to Parliament of any just or legitimate popular grievance; calculated exclusively for mischief; a proper organ of disorder; a ready instrument of confusion; but useless and unmanageable for any good, honest, or lawful purpose. This law does not inquire, what may be the object of the Convention, to be ascertained by its previously declared purpose, or by its acts when convened; the act of election, the act of meeting in such an assembly, for whatever purpose, are the crimes prohibited by this statute. The criminal intention, the "*malus animus*," is by this law plainly declared to be, the intention of forming such an assembly as the statute describes. The government of Ireland therefore was not only authorised, but required by law, to prevent the election of such an assembly, or if elected, to disperse its meeting, and to prosecute all persons, who had violated the statute, either at such election, or in such assembly.

The policy both of the statute, and of the proceeding of the government of Ireland, has been arraigned. These points could not form the question upon the noble earl's argument. But lord Wellesley approved the policy of the statute, and thought that the lord lieutenant was well advised, when his grace enforced it. The enforcement of the statute was salutary, not only for the tranquillity of Ireland, but for the peculiar interests of the Roman Catholic cause. He remembered some of the early Conventions in Ireland, of which the experience had led to the enactment of this law. At the distant period of 1783, in the administration of the earl of Northington, (although opposed in parliament to the government

Digitized by Google

of that day,) he had in Ireland resisted the establishment of a Convention, and his conduct had been sanctioned by the applause of Mr. Fox, then Secretary of State. Lord Wellesley had always continued to disapprove this description of assembly, and had concurred most cordially in the wise policy of the Irish statute of 1793, which was intended to prohibit the formation of all such assemblies, and to protect the tranquillity of the country from the precarious chance of the proceedings of a body, which could not even be constituted without a violation of the established order of the state, and which could not act without danger to regular authority. The very existence of such a body was perilous; its acts, if otherwise innocent, must be injurious to public order, because they must tend to disturb the respect which is due alone to the lawful sovereign and legislature of the realm.

The law therefore, which was of general application, equally affecting Protestants and Catholics, was a wise and salutary statute, of preventive policy. It was prudent in the government of Ireland to enforce it, more especially against a plan of Catholic Convention, which could not be carried into effect without aggravated danger to the country, nor advance one step without aggravated mischief to the Roman Catholics themselves.

How was this salutary law carried into execution?—Was no warning voice heard from the executive power in Ireland? Was no friendly admonition uttered, before the strong hand of the law was extended to vindicate the King and the country against the assailants of public order? Their lordships should know that the lord-lieutenant had abstained, with a degree of forbearance, verging upon indiscretion, from the exercise of his legal powers, until the intention of electing and of convening the assembly, prohibited by the statute, was plainly avowed. Even then, the first step taken was a private and most amicable admonition to the leaders of the Catholic body, apprising them of the illegality of the course which they were pursuing, and, at the same time, intimating the determination of the government to enforce the law. This admonition having proved ineffectual, a proclamation was issued by the government, declaring the law, and announcing an intention to execute its provisions.—The elections to the proposed assembly proceeded; the violation of the law continued; and the government of Ireland found no alternative, but to suffer the law to be violated with impunity, or to disperse the Convention, under the provisions of the Act of 1793, and to prosecute, at the bar of the King's bench, the persons concerned in violating that act. Then followed the proceedings at that bar; their lordships would be instructed by studying those proceedings: they would admire the powerful eloquence of the Irish bar, and the learning, temper, firmness, and dignity, of that most respectable, pure, and upright court, which had sanctioned, by a solemn and unanimous judgment, the legality of the acts of the executive government in Ireland, and had established the law, which the lord lieutenant had vindicated, by proclamation, by the interference of the magistracy, and by public prosecution.

Where, in the whole course of this transaction, could the noble earl find a resting place for his accusation? Neither in the original object of the law of 1793, nor in its letter, nor in its spirit, nor in the candour and clearness with which its provisions were explained and declared, nor in the moderation and lenity with which they were ultimately and reluctantly enforced, nor in the unanimous judgment of the court of King's bench, confirming the just interpretation of the law, after long and assiduous argument, and patient and solemn trial.

Where was the semblance of a suspicion, that the right of petition had been invaded? Were not all the legitimate, accustomed channels of petitioning open, free, easy of access, and ready, even with the aid of his Majesty's representative in Ireland, to speed the prayers and wishes of his people to the foot of his throne and to the bar of his parliament? Was every channel of petitioning dishonourable, excepting that which was unlawful? Was it undignified to address parliament, excepting through a mock parliament, formed in contempt of the law, and whose very constitution would insult the legislature, which it affected to petition? Their lordships could not admit, that on these points the noble earl had established any justification of his proposed inquiry.

Had the noble earl proved, that the government of Ireland had endeavoured to frustrate the claims of the Catholics, or to prejudice the cause of that respectable body, by checking the precipitate career of those who managed, or rather misma-

Digitized by Google

naged that great cause in Ireland? No greater injury could be offered to that cause, than by presenting it to the sovereign, or to the legislature, in the odious form of a wanton violation of the law, an outrage upon the legal authority of the crown and the state, and an insult upon the established government of the realm. The greatest enemy to the Roman Catholics of Ireland could not clothe their petition in a garb more repulsive. An illegal Convention was not the natural parent of a respectful petition. The lord lieutenant, therefore, had acted most amicably towards the Catholics, as well as most prudently towards the state, when his grace had advised their leaders to relinquish the insane project of petitioning by Convention, and to resort to the ancient ways of the law and constitution, consecrated by the usage of ages, and leading to the venerable fabric of liberty and order. The government of Ireland also deserved well of the Catholics for having enforced the law against their leaders, and for having by law abolished an assembly, which could not have continued, without exciting just alarm in every loyal and patriotic breast, and without involving the general cause of the Catholics in the character of that representative body, to which they had entrusted their affairs.

But if their lordships should agree to the Committee on the argument of the noble lord, they must be prepared to declare that this plan of a Convention was not only legal, but laudable and meritorious.

Some persons were of opinion, that the Roman Catholics ought to be admitted to sit and vote in parliament, and to every other advantage enjoyed by Protestants; but, in the interval, were their lordships inclined to sanction, in place of the Protestant parliament of Ireland, an assembly of the Roman Catholic nobility, prelacy, gentry, and Commons, to sit publicly in Dublin, and to debate and resolve upon all subjects of law, government, politics, and religion? Would their lordships declare, that this was an excellent institution, calculated to preserve the peace of Ireland, and to maintain the laws and establishments in that country in Church and State inviolate, while we should be employed on this side of the Channel in deliberating upon the respectful petitions, which that high council might be pleased to certify, and transmit for our approbation?

Their lordships could not agree to the Committee, when the sanction of these illegal conventions was presented as a principal object of the noble earl's proposal. Justice to the government of Ireland, justice to the interests of Ireland, and above all, justice to the Roman Catholics of Ireland, precluded the possibility of yielding to the noble earl in this part of the question.

From his animadversions on the conduct of the government of Ireland, the noble earl had passed to the more important objects of the proposed Committee,—to consider the condition of the Roman Catholics of Ireland; their claim on the justice of parliament; and the necessity of proceeding to the immediate removal of the civil disabilities of which they complained.

Lord Wellesley declared, that he approached the interesting cause of the Roman Catholics, with a solicitude for its success which could not be surpassed, even by the ardour of the noble earl. From the first dawn of his reason to the present hour, his anxiety for the effectual relief of the Roman Catholics of Ireland had been the warm sentiment of his heart, confirmed and animated by successive experience and reflection, and by the deliberate exercise of his judgment, not unaccustomed to the practical consideration of great affairs of state: he was born, bred, and educated in these principles of rational liberality, equally remote from intolerant bigotry, and from licentious disregard of established order. He had always supported every former proposal for the relief of the Roman Catholics: if for a moment, in a period of peculiar and extraordinary embarrassment, he had suspended the active exertion of his opinions on this subject, the suspense had been to him most painful and irksome; it had been occasioned merely by a conviction, that more danger was to be apprehended to the Roman Catholics, and to the state, from a premature attempt to urge their just claim, than from a prudent delay of that claim, in submission to the character and circumstances of the times.

It was necessary, however, to explain distinctly the foundations and limits of his opinions on the claim of the Roman Catholics, because he apprehended, that he did not agree with any of the declared champions in this conflict.

The heat of the contention had exaggerated and distorted the true and natural character of this question on both sides of the argument.

Digitized by Google

On the part of the Roman Catholics, the claim had been armed with all the violence and terror of indisputable right, spurning all accompanying condition, all previous consideration, all provident, amicable delay.

The demand issued forth in the array of war, and no alternative appeared, but submission or battle.

On the other side, every delay of a peremptory sentence of eternal exclusion was represented, as perilous to our civil, and nearly sacrilegious towards our religious establishments; all conditions were ridiculed, as nugatory or impossible; all previous consideration was deprecated, as an artful plot formed to inflame the expectations and demands of the Catholics, and to damp the zeal of the defenders of our establishments in church and state.

The restraint imposed by statute on the Roman Catholics was asserted to be in itself a positive good; a venerable and sacred institution; it was consecrated as an essential article of our faith; not a safeguard to be respected and preserved, merely for the temporary security of the altar, but the very altar and ark of our religion.

These excesses were violent and irrational. The argument must be disarrayed, and brought down from the pomp and ostentation of right on one side, and from the intemperate fury of bigotted passion on the other; and the path of discretion must be sought between the extremes of zeal.

His noble friend (the earl of Aberdeen) for whom, from grateful remembrance of revered friendship and of indelible affection, he entertained a sincere regard; and whose excellent speech would have delighted the kind heart of the illustrious statesman, (Mr. Pitt, under whose tutelary care he had been educated) had most justly said, that the question upon the claim of the Roman Catholics, was a mere question of state expediency.

This was a correct view of that great and important question, and lord Wellesley expressed his entire concurrence in that part of his noble friend's sentiments.

Toleration is the intermediate point between persecution and encouragement. The precise limits of the principles of persecution, of toleration, and of encouragement, cannot, however, be accurately drawn by any abstract definition. These boundaries cannot otherwise be ascertained, than by reference to the relative situations of the parties, and to the circumstances of the times, and to the condition of the state.

One maxim is clear and undeniable; that every state possesses a right to restrain whatever is dangerous to its security: no sect, no individual, can assert as a claim of right against the state, the relaxation of any restraint, of which the continuance is required for the safety of the community.

On the other hand, every restraint, excluding any description of the subjects of any state from the enjoyment of advantages generally possessed by the community, is in itself a positive evil; an evil which can wisely or justly be endured, so long only as the probable danger to be apprehended from its removal, shall evidently exceed the certain mischief of its continuance.

The restraint now existing upon the Roman Catholics is, therefore, in itself a positive evil; an imperfection in the frame of the empire: the question is, whether this special and particular imperfection, which separates one great branch of the people from the common benefits of the general constitution, is a necessary evil, which must be sustained for the universal safety of the whole empire.

No community can be warranted by justice or policy, in extending such restraints beyond the strict limits of necessity; if real danger requires this sacrifice of the impartial and parental spirit of any state towards all its subjects, that state, however reluctantly, must hold to such restraints, as the necessary means of public security.

How does this reasoning apply to the claim of the Roman Catholics of Ireland? What justification remains for continuing the restraint of which they complain? Is no mischief felt from its continuance? What danger is dreaded from its removal? What is the probable balance of peril between its continuance and its removal?

The noble marquis declared, that in his judgment, the mischief of continuing this system of restraint greatly overbalanced any danger which could be apprehended from reverting to the more liberal, more mild, more benignant, and auspicious policy, which had adorned the earlier periods of his Majesty's reign.

Digitized by Google

The original severity of the penal laws was directed against the Roman Catholics rather as the known instruments and abettors of the system of arbitrary power at that era, than as the sectaries of a peculiar religious faith. The papist succession to the British throne was dreaded, as the certain destruction of our liberties and laws, as well as of the independence and freedom of Europe; our ecclesiastical establishment was inseparably blended with the foundations of our limited monarchy, and of our civil rights; and a bulwark was formed by the admirable connection of the whole fabric of our constitution, which has proved impregnable to every assault of domestic or foreign foes. The long lapse of time, the gradual and progressive change of circumstances, have removed the alarm of a papist successor to the crown, or of a papist combination for the introduction of arbitrary power.

The Roman Catholics of Ireland have not been viewed by the legislature, as the ready instruments of ruin to our established constitution. Why have they been admitted to the benefits which they now enjoy? Why were they relieved from the ignominy of disherison? Admitted to the rights of property, to the elective franchise, to the bar, to the army, to various other advantages? Has the benevolence of the state rashly opened to them the portals of a constitution, of which they are believed to be the sworn foes? Have they been permitted to approach so closely to the throne and altar, under conviction of a traiterous conspiracy to destroy both?

Their lordships must remember what has been already granted to the Roman Catholics, before a just estimate can be formed of the effect, either of withholding or of conceding what remains under restraint.

Do the Roman Catholics of Ireland now possess no political power? No person acquainted with that country would deny that they possess a large, almost a predominant share of political power in Ireland.

This fact afforded matter of deep reflection: it must be the policy of every wise state, to connect all descriptions of persons, possessing political power, with the general frame of the community, to mix and blend their individual pursuits with the common interests of the state, and to attach them by the powerful ties of honourable ambition and honest gain to the established order of the government.

A body, possessing great political power, but separated from the state by special exclusions and restraints; individual ambition extinguished; individual interest abridged; uninfluenced by the government; exercising an influence, which the government can neither extend, nor diminish; dissociated from all the establishments, civil, military, and religious, but yet holding an intrinsic weight, which occasionally presses upon every establishment—what must be the operation of such a body upon the frame of any state? It must be prejudicial to public order and tranquillity, because its action is not coincident with the ordinary movement of the state, not regulated by the same principles, nor touched and moved by the same means, nor directed to the same ends.

It would appear to be wisdom in any state to endeavour to associate such a body with the ordinary operations of the established government, by infusing the same principles of connection, which unite and harmonise all the parts of the community, and which form the peculiar strength and beauty of the British constitution. It was not so much a question whether additional political power should be given to the Roman Catholics of Ireland, as whether they should now be refused those appendages to their present political power, which would identify its exercise with the interests of the state, and would constitute the bonds and pledges of attachment to the government, and the ties of union with the Commonwealth. The action and force of our happy constitution depends upon a similar principle, which combines individual interests in the general preservation of order, and mixes and blends each part in the harmony of the whole. It is a wild theory to suppose, that the balance of the British Constitution is maintained merely by the mutual check and collision of the great branches of political power, of which it is composed. The result of such a scheme must be either perpetual discord and disorder, or the total stagnation of the vital powers of the government, and the inaction and final decay of the whole system. But this conflict is prevented by the intervention of individual interests; without injuring the principles of monarchy, aristocracy and democracy, which constitute the foundations of the government, the mildness of our laws,

Digitized by Google

and the character of our nation, have tempered these apparently discordant materials into a system of the most regular and uniform action.

The House of Lords is connected with the House of Commons, with the people, and with the crown, by many ties of common interest, mitigating the theoretical notion of aristocracy, which has been described as the sole constituent principle of this assembly. In the constitution of the House of Commons, the same temperature may be observed; and even the imperial crown of these realms is intimately blended with the interests of the nobility, of the gentry, and of the people. The great principles of the constitution are, in fact, to be traced in the frame of each branch of the legislature, as well as in the combination of the whole; and the happy intermixture of individual interests, the common right of the whole people to a participation in all the honours and advantages of the state, are the vital energies, the soul and spirit of the British constitution. The present condition of the Roman Catholics of Ireland is anomalous in this constitution, and repugnant to the policy of any wise state. The restraint, which still exists, cements and embodies discontent, without impairing the force or activity of political power. Perhaps the restraint itself tends to increase the power of the body on which it acts, by concentrating its entire energy in a narrow space, and by precluding the interposition of any collateral interest, or influence. The Roman Catholics of Ireland are now bound together by these impolitic restraints, in a distinct community, naturally adverse to the establishment which excludes them. Remove this restraint, and you dissolve the ties of discontent; you disperse the sentiments of disaffection; and you introduce the powerful motives of individual interest, to counteract any combination against an establishment, which offers so many immediate advantages of emolument and honour. The danger to the Protestant establishment in Ireland is now considerable, and must increase with the natural augmentation of the power and wealth of the Roman Catholics, and with the necessary augmentation of their discontent, under the protracted continuance of this invidious system of exclusion.

Their increasing property in land and commercial wealth, their increasing numbers in the army and at the bar, their increasing influence of every description, while they shall remain an alienated and distinct community, must be formidable to the establishment, which perseveres in rejecting their solicitations for admission into its bosom.

Their compacted strength must be directed against the Protestant establishment, until a better policy shall incorporate the Roman Catholic interests with the Protestant power, by removing the odious obstacles which now preclude the Roman Catholics from pursuing those objects of ambition and interest, which are open to other subjects of the crown.

The noble marquis insisted that the removal of the restraints of which the Roman Catholics of Ireland complained, could not be dangerous to the Protestant establishment in Ireland. He asserted, that this liberal and salutary measure was indispensably necessary for the security of the Protestant establishment in Ireland, which could never be safe while such a force of discontent was arrayed against it; that force would be disarmed most effectually, by abolishing the causes of dissatisfaction, and the barriers of exclusion.

It had been suggested, that no hope could be entertained of appeasing the Roman Catholics of Ireland; that their demands had increased with the concessions already made to them; and that their ambition, lust of power, of emolument, and dominion, were inordinate, boundless, and insatiable. What was the proof? They had been admitted to the right of property, and to the elective franchise, and they were so insatiate as to aspire to the capacity of representing in parliament the property which they possessed. They had been admitted to the bar, and they wished to serve the crown; to be of the King's counsel; to become judges and chancellors;—and these extravagant desires were deemed certain proofs of hostility against the state. Because they wished to serve the crown; they must intend to destroy it: they could not desire to reach the seals, for any other purpose than to overthrow the throne. They were permitted to hold commissions in the army; they had served with valour, and glory; shed their blood in the cause of their king and country; beheld the inspiring example of their own native countrymen, leading British armies against the common enemy, and arresting the progress of France in the full career of her fury; and they were infected with the criminal ambition of desiring to emu-

Digitized by Google

late the illustrious sons of Ireland, under whom they had fought, and bled, and conquered; of hoping, ultimately, to direct the armies in which they had so gloriously served; and to devote to their country, in the command of her troops, those attainments, which they had laboriously acquired in the subaltern branches of her service.

Were these unreasonable or inordinate desires? Was this criminal ambition?

These wishes were the most substantial proofs that the Roman Catholics entertained a true estimate of the value of the concessions which had already been made to them, and a just sense of the constitutional use of those advantages. Was it to be argued, that because the Roman Catholics were sensible to the same emotions of honourable ambition, and public glory, which similar causes, and similar situations, had raised in all other breasts, they must have conspired the usurpation of the government of their country. The legislature itself had excited these sentiments; they were the natural fruits of former concessions.—Because the legislature had halted in its course, and had not pursued with steadiness the progressive policy of generosity to the Catholics, in which it had advanced so far, was it just to reprove them for the necessary effect of a powerful cause, which they had not originated, and which they could not controul?

Lord Wellesley, therefore, could not censure the solicitude of the Roman Catholics to obtain those additional advantages, which naturally grew out of past concessions, and which were almost the necessary result of former gifts. From this disposition, he inferred no defect of gratitude or excess of expectation. The sentiment thus displayed by the Roman Catholics was implanted in the human heart, and congenial to the spirit of every free constitution.

The noble earl would thus perceive, that lord Wellesley's opinions on the condition and claims of the Catholics were substantially the same as his lordships'. He trusted that he should not be accused of a spirit of procrastination or delusion, if he now objected to enter into the committee for the purpose of instantaneously abolishing the restraints under which the Roman Catholics of Ireland laboured.

The claim of that body now appears under circumstances of peculiar disfavour; clad in the terrific armour of right, accompanied by a defiance of the legal authority of the state, by a premeditated outrage upon the law of the land, and by the most insulting and contumelious spirit of intemperate menace.

To a claim of such an aspect, parliament cannot yield, even with justice to the claimants: it would prove a perilous gift to them, to concede any portion of the dignity and honour of parliament, which must be sacrificed, if, in the present moment, their lordships should submit to the temper and tone, in which these demands had been urged in Ireland, and to the violence, with which they had been supported in open resistance to legitimate government.

The trials of the offenders against the law were still in progress in Ireland; and the course of justice seemed to have suspended for a season, in that country, the active solicitations of those, who had hitherto conducted the affairs of the Roman Catholics. Even they seemed to have determined, that the present moment was not suited to the discussion of this great question; and that time must be given for the return of tranquillity, before the voice of petition could again be heard in a tone, duly adapted to the solemnity of the occasion.

Why, then, did the noble earl now press their lordships to a decision? After all the rage and tumult of the contest in Ireland, the storm has paused, and an interval of repose and quiet has succeeded by common consent, as the necessary preparation of temper for the important deliberation, which now approaches. Let not the noble earl prematurely interrupt this calm; on the other hand, let not their lordships suffer this vital question to remain dormant, until reviving impatience shall again awaken the tempest of passion. The claims of the Roman Catholics of Ireland demand early consideration; in every view, for every interest, for every opinion, for every party, the early consideration of the question is indispensibly necessary.

That consideration lord Wellesley would meet with every favourable inclination to the Roman Catholic cause, but with a determination to tread the ground of concession with circumspection and caution; to examine the most favourable mode and time of removing the existing restraints; to provide the securities which might be requisite for the protection of our sacred establishments in church and state; and to consider every other beneficial arrange-

Digitized by Google

ment, which could tend to give additional happiness to Ireland, or additional strength to the empire in a settlement of such interest and importance.

He would not advise his king, or his prince, to bow the Protestant sceptre of the realm, to any fictitious pretension of right, however arrayed with violence, or enforced by clamour: nor would he lend his hand to close the gates of the constitution against any class of his Majesty's faithful subjects; nor would he presume to proclaim a sentence of irrevocable and eternal exclusion against a large portion of the population of the empire, under colour of pure zeal for the Protestant establishment. In real affection and veneration for that establishment he yielded to none of those, whose zeal has been so conspicuous. The Protestant establishment in Church and State, was, indeed, the great security of all our public happiness and welfare. Whatever protection of person or property, was enjoyed by any class of subjects, by any sect of religion, whatever civil or religious liberty existed among us, originated from the Protestant establishment, was guarded and preserved by it, would flourish with its prosperity, and decline with its decay. All sects, all parties, civil and religious, are concerned in the preservation of this great bulwark of the community. It is the safeguard of the subject, as well as of the crown; connecting the purity and moderation of our reformed church with the regulated freedom of the people, and with the temperate spirit of our limited monarchy. To this refuge all have resorted, in the dreadful visitations of confusion, by which the order and liberty of this country have been so often disturbed; and under this hallowed altar all sects have found shelter from despotism or licentiousness:

"Huc tandem concede—Hæc Ara tuebitur Omnes,
"Aut moriere simul."—

If it could be credited, that the Roman Catholics of Ireland had conceived the frantic imagination of subverting the fair fabric of the Protestant constitution of the realm, and of erecting a papist state, (of whatever form) on the ruins of our laws, liberties, and religion, this argument would assume a very different aspect; the point at issue would then be, not what their lordships should concede, but to what extremity the indignant power of the government should be urged against a conspiracy of such unexampled atrocity. But even the imprudent management of the Roman Catholic cause in Ireland, (however reprehensible) discloses a spirit utterly incompatible with such a suspicion. It is evident, that the ambition, the desire of gain, the restless solicitations of the Roman Catholics, are all directed to advancement under the Protestant constitution. They are jealous, not of our establishment, but of their exclusion from its benefits; they desire not to destroy it, but to enjoy its advantages; they are aware, that its destruction would expose them to evils, of far greater magnitude than those which they now endure. But they behold many benefits abundantly showered upon others, and forbidden to them; and they complain not of the existence, but of the partiality, of our happy constitution. If this view of the temper of the Roman Catholics was erroneous, lord Wellesley admitted that much of his reasoning was incorrect.

But if he had truly described the sentiments of the great body of the Roman Catholics of Ireland, fairly stated their interests, and justly urged their claims, let them come forth, and vindicate themselves against their own leaders, who had tainted the purity of this great cause with faction, turbulence, and disorder.

An interval might now be expected of comparative tranquillity; let the Roman Catholics of Ireland employ that interval, not in devising new means of violating or evading the laws, or of insulting and vexing the legal government; not in fortifying their claims with new armaments of right, or menaces of force; but in composing and allaying the ferment so unpropitious to the favourable settlement of this question.

Instead of accumulating causes of irritation, let them endeavour to mitigate prejudices and jealousies, which have been exasperated by the recent indiscretion of their own management. Let them manifest a sincere desire to furnish to their Protestant brethren every reasonable pledge of attachment to the established constitution, and every practicable security for its stability and prosperity. In soliciting the favour of the law, let them display a spirit of obedience to the law, and a disposition to submit with reverence to legal authority.

May these admonitions be received in the conciliatory spirit, in which they are uttered; and may the returning sense of duty and affection avert the perils of civil discord; restore the disturbed temper

Digitized by Google

of the nation; and enable parliament to consider without passion, and to decide with dignity, a question, vital to the safety and peace, to the power and glory of the empire!

The Marquis of *Lansdowne* began by observing, that he sincerely hoped the impression made by the noble marquis's speech on his antagonists, would not operate less powerfully on his friends. He could not avoid thinking, that had the sentiments which he had that evening expressed been communicated in the cabinet to his colleagues, it was not probable that they would have incurred that criminality which might now justly be charged upon them. He was, on his own part, ready to profess his entire acquiescence in the principle laid down by the noble marquis, that the right of the Catholics to the object of their claims, was founded on the opinion entertained by the legislature as to the compatibility of those objects with the interests and security of the empire. So long as obvious considerations of this nature should dictate political restrictions, such restrictions were justifiable. But when the necessity that imposed them ceased, that moment the right revived; and it became the imperious duty of the legislature, and of every individual composing it, to take immediate steps for accomplishing its restoration. He also agreed, with yet more cordiality, in another position of the noble marquis, namely that it did concern the best interests of every nation to demolish all exclusive systems, and to remove, as destructive and fatal distinctions, those institutions that deprived any particular class or description of persons, of an equal enjoyment of the benefits and advantages of the society at large. He wished, therefore, to inquire how, when urging these arguments, and supporting these principles, the noble marquis could come to the conclusion which he had thought proper to adopt. What was there in his great and varied experience in different countries and different situations: what was there in the history of his correspondence with America, or in his negociations in Spain, to lead him to the belief, that if three million of inhabitants might be safely admitted to a full participation of the rights and privileges of their fellow countrymen, there was no danger, no injustice, in continuing to exclude them? With respect to the question of time, it appeared to him, that no period could be more appropriate for an ample discussion of this subject than the present, when parliament was on the point of establishing a new government. With a knowledge of the transactions and events of the last twelve years, and of the evils that had so plentifully resulted from that weak or tyrannical system which had been unfortunately so long pursued with respect to Ireland, was it not incumbent on them to consider at such a crisis, how that system might be amended, or its natural consequences be averted? He was happy to have an opportunity of expressing the satisfaction he felt at not hearing any mention of one argument which on former occasions had been brought forward in that House. The argument was this, that the descriptions given of the condition of Ireland, and of the claims, the desires, and the feelings of the Irish people were inaccurate and exaggerated representations. For whatever might be his opinion of the occasional improprieties in the conduct of the Catholics:—however he might lament, but not be surprized at the partial excesses into which they had been betrayed—he thought it not a little hard to urge such accusation against them at the same time that their petitions were disregarded, because it was alledged that they exhibited no earnestness, no anxiety for their success. His own conviction was, that a sense of those evils and dangers, growing and increasing as they were, which had sprung out of the adoption of those impolitic principles of government that had prevailed during the last twelve years, did furnish a sufficient and satisfactory ground to parliament, to induce it to take the present occasion for carrying into effect a large and general investigation of the state of the sister country.—He now came to that part of the speech of the noble marquis, in which he had endeavoured to vindicate the conduct of the Irish government. He conceived there was in that conduct evident and additional ground to lead the House to institute the proposed inquiry. Was it meant to be said, that if the Catholics had infringed the law, or violated the constitution, by erecting themselves into a representative body, their assembling without the assumption of such a character was equally formidable and illegal? If the spirit of the Convention act did not apply to a sanction of the suppression of such meetings as had been before held, unsuspected and unmolested, upon what ground did the justification of government, in thus enforcing

Digitized by Google

the provisions of that act, rest? It was his opinion, that in pursuing this course, even had they not been baffled in a court of justice, by the verdict of a jury, they would soon have witnessed the futility of their attempt, and the disappointment of their expectations. He begged leave to call the attention of the House to the origin of the Convention act, and the circumstances attending it. The year when that act was first introduced into the Irish parliament, was immediately subsequent to one in which there had existed a delegation of the Catholic body; which delegation had regularly communicated and negociated with the government on the subject of those claims which they had been constituted to support. Was he to believe then, that this same government, which had thus openly recognised the functions of this delegated body, did intend that an act passed in the following year should proscribe it as dangerous and unconstitutional? It was broadly and distinctly stated, at the time of passing that act, by all its supporters, that it bore no reference whatever to the Catholic meeting. Among those who gave this explanation was one highly respectable person, Mr. Wolfe, then Attorney-general, and afterwards lord Kilwarden, who added, "God forbid, that this or any other act should prevent any delegation from meeting to execute a legal and pre-conceived purpose." In delegation in a general sense there was certainly nothing objectionable, and the appointment of committees on similar occasions was not less productive of convenience to government itself, than it was reconcileable to the principles of the constitution, and essential to the rights of the subject. It was, therefore, a grave and weighty charge against the present government, that they had condemned and resisted this right. But what were their lordships to think of the manner in which their own principles had been adhered to, and their own plans carried into execution? What were they to think of the delay, the vacillation, the inconsistencies that had marked and characterised their measures? The Catholic Committee was formed in May 1809, and it continued to meet uninterruptedly till February 1811. Then it was the Circular Letter of the Secretary to the Irish government was issued, and it was remarkable that it was at the precise period when the Committee were engaged in endeavouring to add to their number, the most respectable characters in the country, in order to give as large a degree as was possible, of dignity and consideration to their proceedings. Notwithstanding, however, this promulgation of the Irish government, the Committee afterwards held meetings in February, in March, and in June, before any further steps were taken for their dispersion. They met openly, their resolutions were regularly published, and they professed, that not conceiving themselves to fall under the scope or definition of the proclamation, they were satisfied that they were not acting in violation of the law. Was it possible for them to adopt a more regular, constitutional or manly course?—He had now arrived at a point on which he felt confident, that whatever diversity of sentiment might prevail with respect to other branches of the question, there could be but one common feeling and opinion. The principle he now had in his view was, that whenever a government determined to enforce any act against any particular description of persons, it was its clear and necessary duty to enforce it with a strict conformity, and a scrupulous observance of every usage and ordinary form that had been esteemed to distinguish a free constitution, and an impartial administration of the laws. But what did the Irish government? A warrant was issued under the hand of the Chief Justice, one of 3,000 magistrates, and that person who was afterwards to try the question at issue. He did not mean to insinuate that this circumstance would have necessarily operated to have given a bias to his judgment, but while he disclaimed all intention of casting such an imputation, he would for a moment advert to a speech delivered in another place, by Mr. Secretary Pole. He was aware that it was not regular to refer to sentiments supposed to have been uttered elsewhere, but as this speech had since appeared in the shape of a pamphlet, and had been generally circulated, he would read to their lordships a short extract from it.—(Here the noble Marquis read the extract, the substance of which was that Mr. Wellesley Pole had, previous to the publication of his Circular Letter, consulted lord Manners and the Attorney-General, but that he had not taken the opinion of the Chief Justice, because that must have disqualified him from presiding at any future trials arising out of these proceedings.) Thus, continued the noble marquis, the same individual who, in February 1811, felt all this delicate anxiety

Digitized by Google

for the purity of the courts of justice, did, in the month of July following, lay his informations before the chief justice, and select him out of 3,000 magistrates, to be the immediate agent of his intention. In what terms, too, was the warrant of the chief justice issued? The terms chosen were such as went to prejudge the whole question, to decide upon the principle at issue, and to vindicate the conduct of the government in applying the Convention act in a new and unprecedented manner. The words introduced into the warrant, 'on pretence or for the purpose of,' were not to be found in the Convention act itself, and were, therefore, manifestly used by Lord Chief Justice Downes, the person whom, but five months before, Mr. Secretary Pole would not consult, lest he should seem to sully the sanctity of a court of justice, for the purpose of defending the government, and of condemning, before the forms of trial, the Catholic Committee. This, however, was not all; when at length the trial took place, the course adopted on the part of the crown was altogether extraordinary and unusual. In prosecutions of this nature, where the crown had the uncontrouled right of peremptory challenge, it was only consistent with obvious justice, to indulge some latitude of this kind to the accused. How had the crown exercised its privilege on this occasion? Twenty-three persons were challenged without any cause assigned, and, as it were, in forgetfulness of the right of the Catholics to be tried by a jury composed in the one-half of their own body. Was this acting in a manner that betokened the liberality, the candour, the justice, which ought always to mark the conduct of a British government? He had understood that there was a want of respect shewn in the mode in which the intention of the Irish administration had first been notified to the heads of the Catholic Committee. Lord Fingall did not receive his notice till the day on which the proclamation was issued.—He thought there was then in the existing situation of Ireland, and in the measures adopted by the government of that country, strong and satisfactory grounds for going into the proposed Committee. He believed that the Catholics had been acquitted by a Protestant jury, and that the Catholic body did stand acquitted in the sight of their Protestant brethren. He believed that a general and growing desire did pervade the Protestants of Ireland, to see their Catholic countrymen admitted to a full participation of the constitution. It was his earnest hope that this example of retracted error and conquered prejudice would have a salutary operation upon the minds and the prejudices of the Protestants of this country. He trusted that England would not persist in blinding herself to the dictates of an enlarged and liberal policy, or be obstinately bent on the maintenance of injurious maxims and mischievous animosities, but that on the contrary the time would soon arrive when they should only be remembered to have been. There had unquestionably been abundant opportunity to operate on the feelings of the Catholics, to inflame their minds and to provoke their discontents; yet where were they to look for the manifestation of any such effect. It was not at home in their domestic character as citizens, or in their conduct in the armies in Spain and Portugal. This consideration surely should have weight with their lordships, and it was peculiarly deserving at the same time of their remembrance, that the laws as they now stood were not calculated to exclude the atheist, whom no laws were likely to bind, or the bigot, who unlike the Catholic refused to renounce his errors, or to listen to conviction; but that they did serve to exclude and stigmatise those honourable and conscientious men, who refused to barter the religion of their forefathers for objects of temporal ambition, and against the justice of whose claim no sins either moral or political could be adduced.

The Earl of *Carysfort* argued in favour of the motion, contending, that it was of vital importance to the empire; and that at such a momentous crisis as the present, the country ought not to be deprived of the active and hearty co-operation of so large a portion of its population. The security of every free government, and its characteristic superiority over every other, consisted in the feeling as well as acknowledgment on the part of the subjects of such a country, that they had an interest in its state and its maintenance. Let noble lords look at Ireland, and the manner in which it had been ruled from time immemorial, and he need not then ask them, if it were possible that the Irish people could entertain such a sentiment as that which he had described towards the government of England? Why had this country been so long able to contend with the usurper of France, but because we had

Digitized by Google

derived from our ancestors a system of government founded on common consent, and which every individual felt that it was his interest to maintain? To this band of united freemen let four millions of Irish be added, and the empire might bid defiance to the hostility of the world. After what had been given to the Roman Catholics of Ireland, it would be impossible long to withhold that which had not been given. They had been admitted to some rights. They had been admitted to vote for members of parliament, and to buy estates. The former would give them political importance, and, with respect to the latter, as Protestants must be the sellers, and Catholics would almost always be the buyers, in time they would acquire as great a preponderance in point of landed property, as they did now in point of population. Adverting to the recent events in the courts of justice in Ireland, the noble earl drew a parallel between those events and the occurrences in the reign of Charles, relative to Ship-money, which latter the great lord Clarendon had characterised as fraught with dangers to the country, of the most serious and alarming description.

The Earl of *Westmoreland* said, that he had too much personal respect for the noble earl in whom the motion originated, and for the noble lords by whom it had been supported, to suppose them actuated by any but a laudable motive. He had no doubt that it was their intention to conciliate the feelings of the Catholics; but by some strange error, they had selected every possible topic of exasperation. The themes on which they had dilated were the misconduct of the Irish government, the discontents in Ireland, the causes of those discontents, and, in their opinion, the cure for them. With respect to the conduct of government in Ireland, all that related to the temper and conciliation which had been shewn was the merit of the Irish government exclusively; but in the general conduct his Majesty's government at home must claim their full share. It was the object of the framers of the Convention act, not to interfere with the right of the subject to petition, but to prevent any individual from speaking for others, or being the organ of any class of people. It was possible that the Catholic Committee had for some time, before it was applied to them, come within the meaning of the Convention act.... But surely it was not to be imputed as a crime to the Irish government to look too closely at the proceedings of this Committee until they assumed a more dangerous character. About the end of 1810, it was discovered that the Catholic Committee meant to increase their numbers, and to assume a representative shape. As soon as this was known to the lord lieutenant and government of Ireland, they remonstrated with the Committee, and stated to the well disposed the evils that would arise if they persevered in their determination. The Committee resolved to proceed. Nothing considerable, however, was done, until after the discussion of the Petition of last year. On the 9th of July, the Committee thought fit to call an assemblage of a larger extent, and formed in the nature of a representation of the Catholic body; and this under the pretence of framing a petition. He appealed to all who now heard him, whether it was not the duty of the Irish government to consult the law servants of the crown on the subject? The opinion of the law servants of the crown was, that such an assembly came within the provisions of the Convention act, and that opinion had since been confirmed by the court of King's Bench. That the assembly was illegal appeared to him to be evident. It was self elected; it met when it pleased; it continued assembled at pleasure; it raised money; it voted thanks. With respect to the cause of the disturbed state of Ireland, at that late hour of the night he would not go into a minute investigation of it. In his opinion, it was owing to ancient feuds and ancient jealousies; to the mingling of two different nations speaking different languages, and having different habits; to a double clergy; perhaps to an oppressive state of the tythes; but most of all (a cause which he was surprised the noble marquis had forgotten) to the great proportion of absentee landlords. He was fully persuaded that the residence of great men on their estates in Ireland would do more towards rendering the population of that country tranquil and obedient to the laws, than all the motions and speeches that could be brought forward and uttered, even were they as comprehensive and as eloquent as those which had been heard and spoken that evening. That the concession of the Catholic claims would not at all affect the great mass of Catholic population in Ireland, he was persuaded; such was the opinion of all the respectable persons who

Digitized by Google

had served his Majesty in Ireland for many years; such was also the opinion of Mr. Tone, Mr. O'Connor, and every rebel and traitor that had been apprehended in Ireland for many years. A very great change of opinion also must have taken place in the minds of the noble lords opposite, on this subject. When a right hon. gentleman, now unfortunately no more (Mr. Fox), was in office, they thought that the state and temper of the times were not fit for a discussion of the Catholic claims. After the death of that right hon. gentleman, the session passed away, and no mention was made of the claims. The noble lords opposite were subsequently willing to decline bringing them forward, in order to effect the great purpose of their staying in his Majesty's councils. If he were asked what was the cause of the general joy on the noble lords' quitting office, he might perhaps say that it was the general sense of their inefficiency. But if the noble lords themselves were examined on the rack, they must declare, that it was the satisfaction felt at the establishment of an administration determined not to agitate a subject which the people of England thought mischievous in the extreme. In 1810, the noble lord (Grenville) publicly and distinctly stated, that in his opinion the temper of the country was not fit for the agitation of the Catholic question, and the noble lord declined bringing forward that question. But it seemed that since that time, the case was completely changed. At the former period, when the Catholics were anxious on the subject, the noble lords dissuaded them from bringing it forward: but now the noble lords wished to bring it on whether the Catholics liked it or not. What alteration had taken place, to justify this change of opinion? Had not the Catholics attempted to beard government? Had they not attempted to beard parliament? Had they not, in their various publications, touched on every topic of a serious and alarming nature? There did not, however, seem to be much cordiality between the Catholics and the noble lords; their names were never mentioned in the Dublin papers in the advertisements of the Catholic Committee. He had enquired the reason, and he had been told that the Catholics did not wish those noble lords to make their cause the stepping-stone to power, and that they did not much like the checks which even those noble lords themselves thought should remain upon them. Much had been said of the urgency of the subject. He did not wish to undervalue that urgency; but he must, for his own part, say, that he thought the times past were much more dangerous than the present. After dwelling on the inexpediency of conceding their claims to the Catholics, the noble earl concluded, by expressing his hearty dissent to the motion.

The Earl of *Moira* said he would not follow the noble earl, who had just sat down, in the line of argument he had adopted; nor would he advert to the many transactions on which he had expatiated at great length, as they were likely to come before their lordships in another capacity. But the noble earl had said, that he saw no grounds laid to agree to the motion proposed. Was this argument admissible, when the motion went no farther than to appoint a Committee to inquire into the grounds which had occasioned the present state of irritation in Ireland? Had not the noble mover given sufficient reasons for appointing a Committee, when he had affirmed, that in his mind he never knew the state of Ireland to be so truly alarming. But in the eyes of the noble earl who spoke last every thing was perfectly safe, every thing perfectly quiet in that country. It might appear so to him; but he would tell the noble earl that it was the stillness which preceded the storm; it was the fire concentrated bursting afterwards with irresistible fury, and threatening the surrounding country with general destruction. The subject was so portentous, as a noble friend of his (lord Grenville) had expressed himself on a former night, that it must force itself into notice, it must imperiously call forth the attention of their lordships. It were folly and blindness to suppose that it could be delayed any longer—it had been delayed too long. The noble earl had established many nice distinctions about rights—he knew but one, that which separated natural from political rights. The former constituted the birth-right of every British subject—they consisted in an equal participation of the blessings of the constitution with his fellow-citizens, and they could not be forfeited but by a legal judgment pronounced against an individual for some crime, and not by sweeping statutes against unborn generations. Political rights were of a different nature: they resulted from political arrangements, and the Roman Catholics of Ireland had never

Digitized by Google

denied the necessity of those political distinctions. They admitted that a difference in rank was necessary in a well-regulated society; they only asked for their birth-right. They say, "we feel that we are Britons by our attachment to our rights, and we ask for a participation in those which we ought to share with you, but which are unjustly withheld from us." This was what they felt, and what every man ought to feel. They never did act, nor were they then acting with contumely, as they knew it would be defeating the object they had most at heart. They had repeatedly addressed their lordships with due humility, and they would continue to do so to the last; they were willing to receive as a boon from their generosity what they might otherwise expect from their justice. The noble earl had, indeed, represented the petitions of the Roman Catholics of Ireland as the work of a party; but what would he say to those petitions, for the same object, presented by their Protestant countrymen? This was wilfully shutting their eyes against the evidence of truth. If Ireland was of such importance to the vital interests of the empire, and what man could possibly deny it, how was he to qualify the conduct of the noble lords who by harsh measures sought to create discontent in that country, and thus to force a brave race of men into the arms of our inveterate foe? Noble peers on the other side knew, or they ought to know, the activity of Buonaparté, his ability in laying down his plans, his perseverance in carrying them into execution, and yet they did not seem to consider the danger which would threaten this country, if such men as the Irish were once goaded by injustice, to place themselves under his guidance. Was England to throw away her main strength, when the most arduous part of the contest was yet to come? Was she to throw her breast-plate away before she had rightly entered the lists? But it seemed that if concessions were granted to the Roman Catholics, dangers were apprehended to the Church of England. These dangers he considered as imaginary, and to be realised only by the refusal of those very concessions. On the other hand, it had been stated, that the public opinion in this country was not so much in favour of the Roman Catholic claims as it had been formerly. The noble lord knew how those artificial feelings had been excited; and he cautioned the men, who, for their own purposes, were so busy in creating religious animosities, to beware how they proceeded in that work of darkness; they might raise a spirit which they could not conjure down again; they might create a current of opinion, which they afterwards could not control, and which would sweep them away, along with the establishments they wished to protect. If the established church was to set itself in open hostility against all Dissenters; if it was to call to its assistance penal statutes, and so pervert public opinion, was it not natural in the oppressed to wish for the overthrow of the oppressor? If the Roman Catholics once could say to the established church, "You are not satisfied with the advantages you enjoy over us, but you use all your efforts to direct the stream of public opinion against us, so as to deprive us of our undoubted political rights;" it would be a slander on human nature to say that they had no right to attempt the subversion of the oppressing power. It was on these principles that England asserted her independence, the cause of her present greatness. Civil and religious liberty always went hand in hand, and gave mutual support to each other, and his lordship's most earnest wishes were, to see that admirable combination extended to every part of the empire.—The noble earl reminded, besides, those over-strenuous supporters of the Church of England, which was by no means threatened, that all churches trusting for support to temporal power, were weak in themselves, and liable to fall when the prop was taken away. As an illustration, he would mention the present state of the church of Rome. The Roman pontiff saw under his spiritual away a great part of continental Europe; but his authority was founded on temporal power; the unsteady basis was swept away by superior force, and the Pope was a prisoner in the hands of the French. The noble earl had heard a great deal about procrastination, a word invented by lawyers, and dwelt upon with much pomp. If, by that word, was meant only the delay necessary to inquire minutely into the question, his lordship would not certainly press for unusual speed, but he deemed it the duty of the noble lords to agree with the motion of his noble friend to go into a committee, which would afford full time for sober inquiry, and, at the same time, prove to the Catholics of Ireland, that the House was alive to their interests. He would not

Digitized by Google

follow the noble earl in the strain of captious arguments and general recriminations he had adopted. This could only tend to perplex the House, to increase animosities, and to widen the breach, till at last, it would become irreparable, and then this country would have to mourn over the ruin of the British empire.

Lord *Mulgrave* believed that if the House went into a committee they would go there not to deliberate, but to surrender at discretion: to surrender the church of England to the catholic dominion. It became them then to consider whether it was worth while to do any thing for the church of England, or whether we should supinely render up those privileges and rights she received from our ancestors. He had always been disposed to grant every indulgence to the Roman Catholics of Ireland: he had always been disposed to grant them every right: but he was not prepared to go the length which some noble lords seemed to be: his was not that violent "love which out-ran the pauses of reason." There was a something in the Roman Catholic church which made it dangerous to concede to any of its claims. This had been its character in all ages, and this was its character now. It was still under the spiritual direction of an authority, which authority itself was subjected to the controul of Bonaparte: and what might not such a union produce, injurious to this country? But, he would ask, if every thing were granted to the Roman Catholics which they now demand, was it in human nature that they should stop short there? Would the feelings of the clergy, or of the laity, permit this? Would they not afterwards seek the same participation of honours in the church which they now require in civil and military offices? We should not shut our eyes to this danger, while we were so sensibly alive to the probable alienation of four millions of people. These were his sentiments, and he should think he betrayed his duty to that House, his duty to his sovereign, and his duty to himself, did he not freely deliver them. He should be at all times, and under all circumstances, averse from going into a committee, without any outline of what plan was to be pursued, as it could only tend to excite the expectations of the people of Ireland, without, perhaps, offering any certainty of doing that which they would anticipate. He thought it necessary that a stand should be made where we now were; nor could he consent to go any further, till he was convinced that it was a boon which they asked, and that they would be satisfied with what was to be granted.

Lord *Erskine* expressed his surprise that the motion of his noble friend should be objected to, because there was no renewed petition of the Catholics before the House. That very circumstance, in his mind, made the present moment the most auspicious for considering them. It was notorious that the Petitions were now preparing in every part of Ireland, and might be expected to be soon pressed upon parliament with all the bitterness of unmerited and disappointed suffering; and surely nothing could be more absurd in the mouths of those who refused to listen to the Catholics when they besieged us with their complaints, that there were now no complaints before us.—We were asked on the contrary, by his noble friend, for that very reason spontaneously to consider the entire condition of Ireland, in order that our policy towards her might have all the becoming grace of pure and voluntary justice.—Most of the difficulties which were now pressed against the Catholics, and which involved the whole empire in so much danger at this critical period, had arisen from the long continued obstinacy of refusing even to consider their case.—In the beginning, we heard nothing of the Veto, nor of any other terms; the Catholics looked up to us with confidence and hope at no very distant period, and all that could be now complained of against them was the supposed breach of a law, which, if broken, it was plain they did not intend to disobey. There was nothing in the Commissioners' Speech on the first day of the Session, representing Ireland to be in any state of disorder requiring even the notice of parliament, which was a demonstration that government did not impute any treasonable designs to the Catholic body, but only the misconstruction of a law, which the courts in Ireland were settling in the ordinary course of legal proceedings.

He went along with the noble marquis opposite (Wellesley), in the view he had taken of the subject with so much feeling and eloquence. He (lord Erskine) acceded to all his principles, and only differed from him on the fact which the noble marquis had opposed as the only obstacle to the immediate consideration of the Catholic claims. The noble marquis had objected to considering the peti-

Digitized by Google

tions of subjects who were seeking to obtain redress by a dangerous and systematic disobedience to the law. As the noble marquis put the case, there were no petitions in progress, but a conspiracy to overawe the government. If this state of things could be made out, he would join the noble marquis in all the opposition he had given to the motion; but he positively denied the charge against the Catholic committees, and maintained that the Irish government had unjustly prosecuted them.

What had been intended by the Irish parliament when they made the law he should not meddle with; it was not a matter within his own knowledge, but the act lay before him, and he apprehended that he was as well qualified to deal with its legal construction as a penal statute, as those who had construed it against the Catholics. There was one rule in the construction of statutes which had been but too often departed from by the greatest judges from an anxiety to do complete justice, but which could never be departed from without the utter destruction of all that constituted the superior value of the written law. The common law, which was the custom of the realm, could only be known by the decision of the judges, but a statute was always present to speak for itself: if its language would bear two constructions, judicial decisions would, and undoubtedly ought to consecrate the worst construction until the legislature interfered by a declaratory law on the subject; but if it could bear but one possible construction without the violation of all its language; no judgment or judgments of courts ought to be permitted to oppose that construction; still more, if, as in the present instance, only one judgment, and still open to appeal, had been given upon a statute of our own times. But, whatever differences of construction might have divided learned men upon statutes regulating property, which were necessarily technical in their language by reference to tenures and other civil distinctions, which often occasioned ambiguity, the same difficulties could never present themselves in the construction of penal statutes; above all of a penal statute which was to regulate the conduct of the unlettered multitude, and to punish them for a breach of it. There not only sound policy, but common honesty and common sense demanded that you should speak to the multitude in popular language. It was a noted badge of tyranny that laws were purposely hung up so high as not to be legible; but in such cases men must read at their peril, and the reading was at least practicable; but when laws were distorted by arbitrary constructions against their plain letter, there could be no possible safety for a people.

The Convention act was made to prevent and to punish seditious assemblies of persons delegated by large bodies of the people, who thereby under colour and pretence of petitioning for redress of grievances, were in fact conspirators against the government, by overawing its deliberations. This was the offence attributed to lord George Gordon, and his multitude, in 1780, when he (lord E.) was counsel for that noble lord, who was indicted for high treason. This also was the accusation against the prisoners, for whom he had been also counsel on the State Trials at the Old Bailey, still well remembered. They were all delegates of large bodies of people petitioning for reform of parliament. But was the delegation the crime? or was it even thought of as any offence whatsoever? No; if the delegation had been an offence, his noble and learned friend on the woolsack need not have spoken as he did for hours together, to establish the case of the crown; but the details he entered upon were all absolutely incumbent upon him, to make out the colour and pretence imputed to these prisoners; because it was the purpose and design for which they were delegated, and not the delegation, which was the enquiry before the court. The delegation was a notorious fact, which neither could be nor ever was questioned by any body as illegal.

He admitted, however, that although such delegations by multitudes under colour and pretence of petitioning, might be the only occasion of the law, and be so recited in the preamble, yet if the delegation had afterwards in the enacting part been in terms afterwards prohibited, in order to avoid any possible pretences; in that case, the law would undoubtedly attach upon the late meetings in Ireland; and before he saw the act it had been so represented to him; but he found upon afterwards looking at it, that on the contrary, after reciting in its preamble that delegations had taken place not for *bona fide* petitioning, but under pretence of it, and after having thus given a distinct interpretation to the word 'pretence,' as it

Digitized by Google

was intended to be used by the legislature, it went on not to prohibit all delegations, but in the very same language to which it had itself given a distinct meaning, it only prohibited delegations under pretence of petitioning. How then was it possible to assert in a court of justice that this law had been broken by the Catholics, without first ascertaining that the Catholic delegations took place, not for the real object of petitioning, but under the colour and pretence of it. The same evil purposes had been imputed, no matter for the present argument whether justly or unjustly, to the people of this country, when the bill to prevent seditious assemblies was passed. But there the statute fairly spoke the intention of its authors, and prohibited meetings of persons not merely assembled under the pretence of petitioning for reform of parliament, but "for the purpose or under the pretence."

Whatever differences of opinion might therefore have arisen on the policy of that act, it laid no snare for the people; and the drawing up the act in those terms by the law servants of the crown at that time confirmed him strongly in the construction which he had put upon the act on which he had been now commenting.

Lord Erskine concluded by saying that he should be ready to give up these opinions when the House might be afterwards assembled in its judicial character. He should then listen to the arguments at the bar for a contrary construction, with impartial attention, and should feel no kind of embarrassment in declaring himself convinced by them; but as the breach of this law had been set up as of itself a complete bar to entering now upon the consideration proposed by the motion, he had felt himself bound to give his opinion now.

The Earl of *Darnley* expressed his hearty concurrence in the motion of his noble friend, which had for its object the inquiry into a subject, at the present moment of paramount importance, and he advised ministers not to neglect that opportunity, which might perhaps be the last that was offered them of considering seriously the reasonable claims of the Catholics of Ireland. Their proceedings had been stigmatized by many noble lords as violent and menacing. What threats had they held out? None that he could discover; and, they originated only in the disturbed and alarmed imaginations of the advisers of the crown. The Catholics did not threaten; they remonstrated against an act of gross injustice, in the mildest language that could be expected to be used by men so grievously injured. Sooner or later the decision must be come to; Catholics as well as Protestants would be free, and the course of justice could not be long impeded. He called the attention of the House to the true situation of Ireland: he desired them to look at what she was, and what she might be: what she was, resulted from the blindness of the British government: what she might be, would depend on its restoration to sight. If, indeed it was a country not worth preserving; if her extensive population was not worth satisfying; if Ireland was a burden to England, let her devolve under the yoke of France, who would willingly accept what Great Britain rejected? His lordship then entered into the proceedings of the grand jury and of the Irish parliament in 1792, attributing considerable blame to them for their conduct at that period. He concluded with giving his cordial assent to the motion.

The Earl of *Buckinghamshire* said, that the changes of opinion which were asserted to have taken place in the minds of many Protestant gentlemen, instead of being grounds for acceding to the claims of the Catholics, were proofs that the Catholic interest was paramount in Ireland; and their lordships should take care how they went into a committee the consequences of which might be highly dangerous. It was not his intention to go into all the legal arguments advanced by the noble baron (Erskine); but it was sufficient for him to say, that the construction put upon the Convention act by the judges, was strictly conformable to what he knew to be the intention of its framers. He entirely agreed in the principles laid down by the noble marquis (Wellesley) that if the restrictions which existed were necessary, they ought to be continued, if they were not, they ought to be removed. That the former was the case, he had no doubt, and nothing could give him more satisfaction than to be able to entertain a different opinion. Many well-meaning persons imagined that the peace, prosperity, and security of Ireland depended on the concession of the Catholic claims; but he believed that it would be the fruitful source of discord, and severe struggles for power. The noble earl then argued against the bringing forward the present motion at this juncture,

Digitized by Google

and contended that the Coronation Oath was a bar against it, which, according to lord Godolphin, was intended as the security of the people. A noble lord had been reproached with mentioning the opinions of the English people, but was he to be denied this privilege when the feelings of the Catholics were constantly spoken of? For his part, he never would be deterred from declaring his opinion of a measure which he considered so dangerous as the present. He put it to the House whether they would take advantage of the continued indisposition of the king to do an act, which they knew, from the commencement, had met with his Majesty's positive and uniform refusal.

Earl *Grey* most ably supported the motion for going into a committee. He said that he had seldom before addressed their lordships under feelings of greater embarrassment—not that there was any thing in the subject before them peculiarly difficult, clouded or mysterious—not that he felt that there were any considerations of peculiar delicacy or caution, that ought to deter him from a full and frank discussion of its merits. And sure he was that his embarrassment did not arise from the consciousness of having to contend with any formidable reasoning against the motion; for he had hitherto listened to catch one single argument against it, and he had listened in vain. His difficulty therefore laid in attempting to answer what did not admit of a reply, and to refute by argument what defied all argument. Their lordships would believe, therefore, that he did not, at that late hour, rise for the purpose of restating what had been already so forcibly put, and what there had not been yet even an attempt to answer; but he could not sleep quietly upon his bed that night, if he were to leave the House after hearing what he had heard within its walls, without making his solemn protest in the name of the united kingdom, against the folly and the madness of that blind, selfish, and illiberal intolerance which had brought these countries into danger, and threatened them with no distant ruin. They had heard that night sentiments from two noble earls, that filled him with surprize and concern; concern that such sentiments should be heard at that time of day and in that place; surprize that either of those noble earls could have given utterance to them. The noble earl who spoke last, had revived an argument, if argument it could be called, which it might have been expected would by this time have sunk from obloquy into oblivion. The Coronation Oath was again brought before them. Did the noble lord mean to say that that oath was taken by the king in a legislative capacity? And if he did not, would he be bold enough to contend that the oath taken by the monarch, in his executive capacity, limited, qualified, or debased the supreme and paramount powers of the legislature? If it did, he asked when did this new light first burst upon the noble earl? Was the noble earl illuminated with this great constitutional discovery, at the time when he himself, as lord-lieutenant of Ireland, recommended to the Irish parliament the repeal of certain disqualifying statutes. The repeal of these were as much and as directly in violation of the principle here set up, as the full grant of emancipation could be supposed to be. If the Coronation oath bound the king to a strict adherence legislatively to the system as it stood at the time of taking the oath, then was the repeal of every penal statute a violation of that oath. But it would be a waste of time to pursue it further: the oath had never been so understood; it was originally designed not to shackle the legislative powers of the three estates, but to secure them against any abuse of power on the part of the executive: it was to defend the subject against the king, and not to furnish the king with a negative instrument against the happiness of his people.—He should dwell no longer upon these absurdities, which he hoped had been forgotten, and should next pass to the Convention act. A noble earl had said, that the construction put upon this act by ministers and the King's-bench in Ireland was, he was satisfied, the same that it was meant by the framers it should bear. Was the noble earl sure of this? Did not the present construction go to take from the delegates all right to meet for the purpose of petitioning; and was it not notorious at the time this bill was in its progress, that all its supporters agreed in protesting in the strongest manner against any interference with the rights of the Catholic delegates to petition? His noble and learned friend (Erskine) had been conclusive upon this point, although there was one passage in his very able speech in which he could not concur with him, and that was where he seemed to think that the possibility of this question coming before them by writ of error should make

Digitized by Google

them more delicate in expressing their sentiments upon it then. He thought otherwise. For were they to consult their judicial functions only? Had they not also great political functions to exercise, and weighty state duties to discharge? And if he saw a set of men endeavouring to strain, pervert and torture a law to their own mischievous purposes, was he to wait the slow progress of the subject's complaint to the bar of that House? Was he to delay to complain of it as a peer of parliament, until he had decided upon it as a judge? If ministers were to quarter the guards upon the city of London, or resort to any other measure of vigour, that might be shamelessly extravagant, without being inconsistent, would it be admitted as a defence that they crept within the limits of law, though they had broken through, and strayed far beyond all the limits of sound policy or ordinary discretion? And here he was not arguing the construction of the Convention act: they might construe it as they pleased; but surely they ought to prove that they were right in enforcing it? Suppose the Convention act was all that they pretend it was, did this necessarily justify their acting upon it in the manner they had done? But how was it that they justified it? The conduct of the Catholics was illegal, and therefore they enforced the Convention act. But had they shewn that the conduct of which they complained was illegal, that it was a violation of the Convention act? The election of Delegates? What! Was that the first instance? Did they forget the year 1793, when the Delegates were over here, and introduced to his Majesty? The Committee was then, he contended, the same as the Committee now existing. This, which now was loaded with every opprobrium and charged as being the nurse of discontent and tumult, and sedition, was at that time suffered to remain unmolested. What, he asked, was the character of the Catholic body at that day, when they had their Delegates and their Committees in every part of Ireland? The preamble of the Bill passed at that time in favour of Catholic concessions, recited the cause of them, by describing the "peaceable and legal demeanor of the Catholics," and yet at that very time they had their Delegates and their Committees—at that very time when the legislature recorded its testimony to their peaceable and legal demeanour. But it did not stop there. This did not merely prove that the existence of those assemblies was not inconsistent with the peace, loyalty, and good conduct of the Catholics, but it proved also what was the intent of the legislature at the time of its passing this law. In fact, the object of the law was, not to interfere at all with those sorts of meetings, but to prevent such assemblies as the one that met at Dungannon, and that which was to have taken place of all the Irish delegates at Athlone. The object was to suppress general meetings and general delegates throughout the country.—So much as to the intention of the legislature at the time of making the act, and now one word as to the act itself: and, first, he did not hesitate to say, that the act was a declaratory one: it was so described by lord Clare and Mr. Wolfe; the noble and learned lord upon the woolsack had said so lately as last year, that it was merely a declaration of that to be law which was law before. Look at its title. Here it was said to be an act providing that unlawful assemblies should not meet for the pretence of petitioning—here there was nothing made unlawful which had been lawful—it was not the pretence that made the assembly unlawful—but not even the pretence of petitioning (sacred a right as that of petitioning was) not even the pretence of it could legalize unlawful assemblies. And here he must advert to one or two curious statements: a noble earl had affirmed, that this law was equally applicable to Protestant and Catholic, and that no such thing as delegation was known in this country. Delegation not known in England! Why, there was scarcely a canal projected without a delegation. Was there no meeting of delegates in 1780? no doubt, a period of great tumult, but still amidst all the complaints then made of the outrages and excesses that prevailed, was there a single murmur against the meeting of delegates? The chamber of commerce was another instance: but they had been resorted constantly in Ireland since the year 1757, when, in the administration of the duke of Bedford of that day, the first dawn of a more liberal policy opened upon Ireland: there had not been a time since that era of which there had not been a Catholic Committee. Here the noble earl entered into an examination of the wording of this statute, to shew that it was the doing other than the purpose of the meeting that made the meeting an unlawful one, and then,

Digitized by Google

applying this to the Convention act and the Catholic meetings, he argued that they could not be presumed to be illegal on their own avowal of the purpose of their meeting, until there was evidence that they met to do something else. They met for the express purpose of petitioning —that express purpose did not make them an unlawful meeting, because it was not unlawful to meet in order to petition. And here he could not pass over the strange reasoning of the Chief Justice upon this part of the case. What! said the Chief Justice, would you have the magistrate, or his constable, wait till they saw the illegal act done, and not prevent it? was he to wait till the assembly had done some act, when they might immediately after disperse themselves? This was a kind of reasoning which the noble earl thought to be most dangerous, and likely to lead to error and abuse of the most extensive latitude. He could not think with that learned judge, that the principle in this case was merely to prohibit, or that prohibition was, so applied, a good in itself. He rather thought with a noble marquis (Wellesley,) who had said so eloquently that all restrictions were in themselves evils—it was certainly wise to prevent—the object of all good laws was prevention, not remedy; punishment not vengeance. But in this case, if a magistrate was to take his own anticipations of offence for guilt, what was that evil which a principle of this kind might not engender? It was arguing against all institutions, from the abuses to which they were severally liable: the corruption to which the press was liable would then become an argument for the destruction of its liberty: the principle might, without any violent stretch of fancy, be extended still farther, and sweep away both Houses of parliament in its progress. But he spoke with a consoling confidence, when he said, that such was not English law; that such were not the principles upon which English law was built, nor its impartial dispensation regulated. But quitting altogether the ground he had taken upon the fair, obvious, and direct construction of this act, he hesitated not to say, that no construction that could be put upon it, even by ministers themselves, could rescue them from the charge of wanton and gross misconduct throughout the whole of these proceedings. Whether the Catholics had been capriciously testy, or but justly indignant: whether they had been obstinate or firm—whether they had been wrong or right, were questions that did not at all affect the unquestionable fatuity of the Irish government. It was a system of misconduct uniform and consistent in all the great principles of error, and chequered with an alternate succession of folly and rashness—shifting from a timidity that made it contemptible to a desperation that made it dangerous. Of the far famed proclamation he should then say nothing. He should leave it to the noble and learned lord on the woolsack. He passed over its slovenly informality, but what should he say of the attempt to act upon it, and the dignified success of that attempt. How could he attempt to describe the irritable weakness with which it had been taken up, or the impotent meanness with which it had been abandoned. He would take their own construction, and make use of it to condemn their own proclamation. No person can be taken and committed to prison on charges for any other offences than either treason, felony, breach of the peace, or those cases provided for by the statute—now, the offence set forth in this proclamation came not under any of these classes; persons so offending shall, when convicted—what? be taken into custody and lodged in prison?—No—shall be guilty of a high misdemeanour—and yet the proclamation orders all mayors, constables, &c. &c. to apprehend and hold to bail those persons so offending.—He challenged the noble and learned lord on the woolsack to controvert him, when he said that the apprehension of such persons under this act was illegal—the Lord Chancellor and Atterney General of Ireland did thus appear to have advised an illegal proceeding—and what did the chief justice Downes? He actually committed persons apprehended by this proclamation. He was aware that as that person was likely to become the subject of some civil actions for those arrests, it would be as well to speak of the matter tenderly, but he could not help thinking that the chief justice had been guilty of a breach of judicial decorum, of extra-judicial interference, that did not become one who ought to have been more sensible of the necessity of keeping personally aloof from all suspicion, in a question of such delicacy, and which he himself was soon to be called upon to decide. Conduct of that kind was pregnant with

Digitized by Google

the worst consequences, as it had a tendency to shake the confidence of the public, in the impartiality, integrity, and purity of the administration of public justice.—But was the conduct of the Irish government exempt from every other charge? There was one from which nothing could rescue it—it was most impolitic. What was the object of the Catholic Committee? The most laudable—the gratification of an honourable ambition. Could the Roman Catholic be tame, cold, or indifferent in such a pursuit? He would be unworthy the privileges he looked for—he would not be worthy the few privileges that were left him—without the ambition of a freeman, he could be fit only to be a slave. Was there, then, any thing in the object of the Catholic committee that made this interference on the part of the Irish government, a measure of policy? No man would be bold enough to say that there was. If there was nothing in the object, was there nothing in the means by which they endeavoured to effect that object? This might be as easily answered, seeing they were told that Ireland was unusually tranquil; then why impose restraints unless they felt in that tranquillity the stillness of despair? But there were other dangers as great, as aweful, and as pressing as any that weakness and intemperance have accumulated in Ireland. We were contending for our existence as a people with the most formidable power—a power that was growing in the double ratio of her advance and our decline. If at this hour of peril we could be suddenly scared from our follies and alarmed into wisdom—if bigotry should drop its hold of the national good sense, and an enlightened tolerance bring back her train of virtues, beneficence, conciliation, and justice—"Good God!" exclaimed the noble earl, "what might we not then hope for! What could we have to fear though France was Europe—though Europe were another France? But if while we are lavishing our resources with a desperate profusion—while we are drying up the source within us, an excessive taxation operating on diminished wealth—while we are on the eve of a war with America, we are to have any thing but peace or union in Ireland, I know not what we can hope, or what we may not fear." The noble earl proceeded to allude to some of the observations of a noble lord opposite (Ross), which, he confessed, surprised him, recollecting, as he did, to have read some eloquent speeches of that noble lord's, when sir L. Parsons, in favour of the Catholic cause. Now, for the first time, had a measure of unusual coercion and severity against the Catholics been resorted to, which, with all the feelings against the Catholic claims which were supposed to animate his Majesty, had never been thought of when he was in a situation to judge of the interests of his kingdoms. This measure had been reserved to darken the prospects of the government of a Prince to whom the Irish Catholics had been accustomed to look up as their brightest hope.—The noble earl warned the House to think of America, which had been disjoined from this country by the same contemptuous treatment which was now practised towards Ireland. With regard to the Veto, he denied that ever he or his noble friend (lord Grenville) had considered it as of indispensable obligation. He concluded by saying that he hoped in God, that by the exertions of parliament and the country, the crisis likely to be produced in Ireland by the persevering firmness (as they were pleased to call it) of ministers, might yet be prevented, and that conciliation would at length be resorted to.

The Earl of *Liverpool* said, he would appeal to the noble earl who spoke last, the House, and the country, to say whether any thing could be more hostile to the Catholic cause than the conduct of the noble lords who had pressed it forward on the present occasion. The question was twofold. Whether the conduct of the government with regard to the Convention act, was reprehensible? and whether the question of the measure itself was one that ought to be entertained? The noble earl undertook not only to arraign ministers, but the court of King's-bench, and the chief judge, who, in learning, in talent, and in all the great qualities which rendered a man estimable and beloved in society, was inferior to none. But there was no argument in the observations of the noble earl on this head, nor could any thing be more void of foundation, than his attempt to shew that the Convention act did not apply to the case of the Catholic Committee? The meaning of the word 'pretence' was clear from our own act of Charles, and bore that interpretation in law which the law officers of the crown had given it on the present occasion. In ex-

Digitized by Google

patiating on the treatment which the Catholics had received from government, he would say, that though there were many instances on record where petitions were ordered to be rejected, yet never once was such a step adopted towards them. Besides, there were a thousand circumstances in the situation of this country which should have prevented them from pressing their rights at the present juncture. If he were one of the greatest friends of the measure, improperly termed Catholic Emancipation, he would still object to their violation of the law. He would oppose the Committee on the grounds upon which it was moved by the noble lord, without arraigning or even seeing the means by which they were to carry the measure into effect. Some persons were for an unconditional repeal of all the disabilities; others again, were for a conditional one; and of this latter class he thought the noble lords appeared to be. A late right hon. and much lamented friend of his (Mr. Pitt), with all his anxiety for the measure, and anxious he knew him to be, had determined that he never would propose it, until, at the same time, he could propose the securities which would be necessary. If they intended to proceed surely, they would not go into a Committee; the object was to conciliate the Catholics by the adoption of other securities than those which existed at present, but how could he tell that such an exchange of securities would meet the wishes of the Catholics? He would therefore call upon their lordships to resist the motion. Upon the question itself his sentiments were well known, and he should be ready to repeat them when it was brought properly before them. Until the securities could be proposed, he did not approve of exciting the expectations and passions of the people of Ireland.

Lord *Grenville* did not rise to speak until after 5 o'clock in the morning; at which hour it was not his intention to trouble their lordships with many words. He began by stating that the moderation and humility of the speech of the noble earl who spoke last, formed a decided contrast with that strong spirit of bigotry and intolerance which distinguished his entrance into office, when the worst passions of the people were excited, and the nation disgraced by the scandalous "No Popery" cry excited by himself and his colleagues; his moderation would then have done him credit, but the Catholics, he believed, entertained a very just sense of the noble earl's kindness. During the entire of his administration, he did not think they had received one act of kindness. His lordship accused ministers of the deepest malignity and rancour towards that body. He entered into an explanation of the terms of the Convention act, and contended that the word "pretence" could not be synonymous with "purpose," and appealed to the noble lord on the woolsack, who in a Bill of his had introduced both words. The Bill was of the same import, and was introduced by his lordship in 1796. He concurred with his noble friend (earl Grey) in stating, that he had never regarded the Veto as a *sine qua non*. He had expressly said in his Letter, that it was an arrangement to which he attached no great importance; and from the moment he learned that that measure, instead of conciliating, had produced irritation, he abandoned it. He denied that by removing the disabilities which affected the Catholics, any security would be taken from the established church. On the contrary, he should regard the very measure proposed, the full concession of the Catholic claims, to be the highest security that could be given to the church establishment of the United Kingdom. The question was every day becoming more pressing, and could not be delayed. Their lordships would soon have to direct to it all their attention and all their wisdom. He hoped, therefore, when the crisis came, that they would then have wisdom enough left to drop generalities; and if they continued to refuse what was asked, to say in what way it was that granting the Catholic demands would prove injurious to the church of England. It would be necessary then to shew, that what was required for the safety of the whole empire was unsafe for the established church. There were two descriptions of opponents to the Catholic claims. The one would make no concession; the other thought the present an improper time. He wished to know from the latter what reason they had for farther delay. He observed, that the best way to remove the irritation and suspicion which was complained of, was to treat the Catholics kindly. Shew that you have confidence in them, and they will place confidence in you. He compared the conduct of the present government of Ireland to that which was pursued towards America. A similar infatuation now prevailed, which proved that we were untaught by expe-

Digitized by Google

rjence, and uninstructed by adversity. After exercising cruelty and injustice, the next step was to punish those who dared to complain. This was the natural progress of oppression, the true logic of tyranny. Instead of a course so fatal, he earnestly beseeched their lordships to be no longer misled by delusions, which prevented them from adopting that measure which could alone knit together the hearts of the whole population of the empire: a measure that would give to the Protestant a security, which he never could obtain by oppression, while it would ensure the attachment of the Catholic, by presenting to him the charter of his emancipation.

The question being loudly called for, a division took place on earl Fitzwilliam's motion,

Contents, 42; Proxies, 37; total 79; Non Contents, 86; Proxies, 76; total 162. Majority against the motion—83.

Adjourned at half past six in the morning.

List of the Minority.

PRESENT.

DUKES.	LORDS.
Norfolk	Say and Sele
Somerset	Hastings
Grafton	St. John
Devonshire	Clifton
MARQUISES.	Dufton
Lansdown	King
Stafford	Montford
EARLS.	Bulkeley
Derby	Somers
Essex	Grenville
Albemarle	Dundas
Bristol	Yarborough
Cowper	Hutchinson
Fitzwilliam	Erskine
Hardwicke	Lauderdale
Lichester	Ponsonby (Imokilly)
Hillsborough	Crewe
Fortescue	Ossory
Caernarvon	BISHOPS.
Rosslyn	Norwich
Grey	Rochester
Charlemont	Kildare
Lucan	

PROXIES.

DUKE.	Tankerville
St. Albin's	Stanhope
MARQUISES.	Darlington
Bute	Scarborough
Buckingham	Donoughmore
EARLS.	Waldegrave
Spencer	Thanet
Suffolk	Guilford.
Carlisle	VISCOUNTS.
Jersey	Anson
Hereford	Spencer (Blandford)
Duncan.	Selford
LORDS.	Holland
Ashburton	Sandridge
Auckland	Ponsonby
Ducie	Foley
Granard	Bredalbane
Carrington	Cawdor
Ardrossan	Stawell.
Glastonbury	PAIRED OFF.
Mendip	The duke of Bedford
Ailsa	Lord Byron
Braybroke	Earl of Carysfort.

HOUSE OF COMMONS.

Friday, January 31.

KING'S HOUSEHOLD BILL.] This Bill was read a third time.

Mr. *Bennet* wished to introduce a clause for preventing such officers as held places in the Household from having seats in parliament.

The *Chancellor of the Exchequer* opposed the introduction of such a clause into the Bill. He could not but think it very hard that such officers should be prevented from serving their country in parliament.

The Clause was negatived, and the Bill passed.

MOTION RESPECTING MEMBERS BECOMING BANKRUPTS.] Mr. *Lockhart* brought forward his motion respecting the propriety of bankrupts holding seats in that House. He had for some time been directing his attention to this subject, which, in his mind, was one of considerable importance. It had been a matter of doubt to him, whether it was not improper and inconsistent with the dignity of the House, that a person after bankruptcy should retain his situation as a member of parliament, and the privileges belonging to it. It was clear that, as the law now stood, no disqualification arose from becoming a bankrupt. James 1 published a proclamation to the sheriffs, calling upon them not to return as members of parliament any person under the circumstances of a bankrupt. This circumstance he alluded to only to prove, that before the time of James 1, bankruptcy was not considered a disqualification. It was clear, from the issuing of such a proclamation, he did not mean to insinuate that any criminality was attached to bankruptcy, because it frequently arose from unforeseen circumstances, against which no prudence could provide; but the progress of fraud was at present alarming, and some measure should

Digitized by Google

be adopted to preclude it from that House: even the mere suspicion of it was sufficient to attach some stain, not consonant to the dignity of a person who was supposed to legislate for his country. He did not intend to assert that bankruptcy of itself was a disqualification, but he thought it deprived the person of that qualification required by the laws of the country for a member of parliament. Certain qualifications were required, and it was mere mockery to say that such qualifications might be lost without bringing any inconvenience on the loser as a member of that House. None but persons of honour and character should sit there. By the 9th of Anne, chap. 5, no person could sit and vote as a member of parliament unless he possessed 300*l.* a year. There were two other acts relating to this subject, the 4th and 45th of his present Majesty, but neither of them had any direct reference to a case of this kind. The law upon the subject appeared to him doubtful, and it was important that it should be explained; the dignity of the House required it. It would be a scandal that any person should sit there to whom an imputation of fraudulent dealing could attach. Some persons might come in there to avoid the difficulties arising from debt, and, from such characters, a faithful discharge of public duty could not be well expected. On these grounds, he moved "That a Committee be appointed to inquire if any and what persons being Members of this House, and becoming bankrupts, are capable of sitting, and voting therein."

The *Chancellor of the Exchequer* said, that the House could not but feel indebted to the hon. gentleman for the manner in which he had brought forward his motion, for he had stated all the objections that could be urged against it. It was clear from his own statement that no law existed making bankruptcy a disqualification. The intention of the act requiring certain qualifications for a member of that House, did not require that such qualifications should be permanent. Though a man might lose his property at one time, it was not to be concluded that he could not again recover it. A person might become a bankrupt during the present session of parliament, and before the next become possessed of much more than would be necessary to qualify him for a seat in that House. It would be a severe measure to exclude such from the possibility of ever sitting there again. The qualification required by the act did not take in all the members of that House; it did not extend to persons from the northern parts of the united kingdom, or to representatives of universities. A person might, through losses in trade, become a bankrupt one day, and in a short time after, either by success in trade or the goodness of a friend, or the death of a parent, become fully qualified, as to property, for sitting in parliament. Persons might be insolvent and not bankrupts, and after meeting their creditors might have a surplus more than sufficient for qualification. The motion of the hon. gentleman hardly went further than appointing a committee to read an act of parliament. From the acts he had read, it was clear that bankrupts were not disqualified. It would have been more intelligible if the hon. gentleman had moved for a committee to inquire into the state of the law upon this subject. A Bill might be introduced for changing the law as it now stood, but he could not see that any object could be gained by the appointment of such a committee as the motion referred to.

Mr. *Baring* expressed his surprise, that under the present circumstances of the country, such a motion as this should be brought before the House. Every person knew, that, from the impediment to commerce for several years past, many persons had fallen from opulence into great difficulties, such as could not be prevented by any conduct on their part. But men, now reduced to bankruptcy by such difficulties, might in course of time become possessed of considerable property; and surely it would be a monstrous measure to shut them out from parliament, because they had been once unfortunate. The credit of the House was not, in his opinion, so much concerned in this affair as the hon. gentleman suspected. He had no objection that an inquiry should be made into the state of the law, but he did not see any object that could be gained by such a committee as the hon. gentleman wished for.

Sir *F. Burdett* was no advocate for the system of disqualifications; but, as the law now stood, no great object could be gained by such a measure as the hon. gentleman proposed. The legal ingenuity of the hon. mover furnished him with means to show that, at least, members ought to have some qualification. An hon. gentleman thought it hard, that, in times of difficulty like the present, a motion of this

Digitized by Google

kind should be brought before the House; but he thought, on the contrary, that such times were the fittest for the adoption of a measure of this kind. It was well known that all commerce, at present, was licensed by government. When a great part of the public money passed through the hands of those who lived by commerce; when it was well known that many of those persons whose circumstances in life rendered them liable to bankruptcy, held seats in that House at such a time, a measure of this nature could not but be of the utmost utility, unless they were inclined to use the language of the poet, and write over the doors of that House, "broken and bankrupt fortunes mended here." These were the times in which we ought to be strict, and no man should be allowed to sit in that House with the suspicion of the public upon him. The right. hon. gentleman opposite had said, that though bankrupts this day they might have, in a few days after, as much property as would qualify them for a seat in parliament; but that was not the question. The law required certain qualifications as a security for the upright conduct of a person filling the situation of a representative of the people, and when he ceased to possess such qualifications it was much to be dreaded, that, instead of filling his place with the integrity of an honest independent man, he would seek every means of improving his shattered circumstances. He thought that something should be done upon the subject of the motion. With respect to the monstrous privilege possessed by members of parliament, which screened them from the payment of their just debts, it was a stigma upon the House, and he did not care how soon it was removed.

Mr. *Baring* rose to explain. He did not object to the disqualification as it now existed, but to the making of any change in the law at the present time.

Mr. *Brand* thought the motion inadequate to the object in view, but would support it as it may do some good. He wished, however, that a more general measure had been proposed.

Sir *John Newport* said, that as the law now stood, the qualifications for a member of parliament were different in England and Ireland. The principle upon which the law was founded in Ireland was a wise one; it supposed, that to secure integrity, independence was necessary. According to the law, as it existed in Ireland, if a person, being a member of parliament, did not satisfy his creditors within the space of six months, he vacated his seat. He thought it derogatory to the dignity of an assembly representing the will of an entire people, that any person walking the streets could say of one of its members, 'he only paid me two shillings to the pound.' It was proper to see that the qualification under which a member originally entered still existed. What could be so inconsistent with the dignity of such an assembly as to say of it, 'here are persons legislating for those whom they have deceived?' He thought that the law, as it existed at present, should be abolished, or the law adopted as it existed before in Ireland.

Mr. *Lockhart* thought that the difficulty of the times, alluded to by an hon. gentleman, should be considered rather as a motive for receiving than rejecting his motion. Whatever might be the fate of this motion, he was glad that it had produced such discussion. He concurred with those who had expressed themselves friendly to the abolition or correction of that privilege of members of parliament so very injurious to the rights of others. The motion was then negatived.

MOTION RESPECTING POLICE MAGISTRATES.] Sir *F. Burdett* expressed his regret, that he had not received the note of the right hon. gentleman opposite (Mr. Ryder) respecting his Order on the subject of Police Magistrates. (See p. 401.) He had been absent from home on business of some importance, otherwise he should have answered that note, and appeared in his place to show the importance of the order to which he alluded. The police was an establishment of great expence to the nation, and he feared that most improper appointments had taken place in that department. It was well known, that from the establishment of the police act, certain qualifications were required for admission into the police magistracy. These qualifications had a most important object in view, namely, the security of the public; but now, when members would quibble upon the law which regarded qualifications for that House, it was unlikely that upon a question of inferior magistracy, he would be allowed to collect such information as might perhaps tend to criminate those in whose hands were placed

Digitized by Google

the powers that give or took away place.

The law sat forth, that as magistrates of counties were entrusted with great powers, it was expedient to make such regulations as might keep persons in mean situations from holding such offices. It was therefore enacted, in the time of George the second, That no person should act as a magistrate, who was not possessed of property to the amount of 100*l.* per annum, in the county in which he was to administer justice. This was intended to prevent magistrates becoming the tools of government, as he had often seen them prove themselves of late. At that time 100*l.* was a very considerable sum, and such an annual income was thought a tolerable independence, the possessor of which was not expected to be the tool of government, at least it was thought he could not be such from necessity. Justice at that time, he must observe, was not administered with such severity as it had been of late; but at present, the country gentlemen to whom such powers as were given to magistrates might perhaps be entrusted with the greatest safety, were frequently overpowered by the union of the magistrates in adjoining counties. His object in moving for the Order which had been made by the House, was to see if ministers had any regard themselves to that law, which they had got passed under pretence of benefiting the public, while it imposed on them a very considerable expence. It was acknowledged that enormous abuses existed in the present system, and he took it for granted that those abuses might be traced to ministers themselves. It appeared to him highly desirable that the House should be put in possession of all that information for which he had called, and he should therefore certainly move that that part of the order which had been rescinded should be reinstated in the order. If this was not done, if magistrates were not called upon to shew what were their qualifications, when an enquiry into the state of the police was instituted, how could that House pretend to look into the conduct of public officers? How could it be done, if they were not to be called upon, lest their answers should criminate themselves? With a similar feeling, it had formerly been said, that lord Melville ought not to be called upon to account for the money which he had held in trust for the public. To him it appeared very important that the House should know whether the persons appointed by ministers to fill important situations, were or were not such as they ought to be, according to their own act of parliament. If this information were withheld, what might not be the evil effects of such conduct on those who now hold situations of authority? When it was asserted that magistrates ought not to be called upon to state their qualifications, lest their answers should criminate themselves, how, he would ask, had those magistrates conducted themselves on a late occasion? Had their conduct been regulated by such a principle as that which it was contended, with a reference to them, ought to be constantly kept in view? What had they been doing in the late examinations which had taken place of persons who were supposed to have been concerned in the murder of Mr. Marr's family? What had they been doing, but endeavouring to make men, whom they had ever so little reason to suspect, say that which might criminate themselves? This inquisitorial power they had been in the habit of exercising daily, and what right had they to inflict the punishment which they had inflicted on persons brought before them? What was now the situation of that unfortunate person who was in confinement on suspicion of being concerned in the late murders, Alblas? What was he kept for? Why was he put in chains, immured in a dungeon, and called upon every day to criminate himself? It was stated in the daily prints, that the only circumstance against him was, his inability to account for a quarter of an hour of his time the night on which one of the murders was committed. He would not pretend to say that the severity of those measures was not in some degree justified by the horrid atrocities that had been committed, but when the persons so used were found innocent, he thought it was but justice that some remuneration should have been given for the severities they had endured. The power which enabled a magistrate to act in this manner was too great not to be an object of much public jealousy; if abused, the abuse should not be suffered to continue; and to know that the qualifications which conferred such power were always found in the person who possessed them, was the object to which his order was directed. He would, therefore, move that that part of his order should be reinstated which had been rescinded on last Wednesday; namely, "That there be laid before this House, a return stating where

Digitized by Google

the qualifications of the Police-Magistrates, under the Act 32 Geo. 3, c. 53, or under any subsequent act, are, and what they are."

Mr. Secretary *Ryder* assured the hon. baronet, that he had not the slightest suspicion of his not being at the House on Tuesday or Wednesday, or he should not have brought forward his motion on either of these days; but observing the hon. baronet so constantly in his place on all other occasions, he could hardly have supposed he would then have been absent; but he confessed, the impression of the hon. baronet's motion upon his mind was such, that at all events he should have felt the necessity of bringing on his, and had the hon. baronet comprehended his objection to the motion as it originally stood, he was satisfied he would also see the expediency of rescinding that part of it. The motion of the hon. baronet, as he understood it, required of the police magistrates to state not only what were their qualifications when they began to act, but also to state what these qualifications were, and where they were to be found. To such a motion he must object, because there was an act of parliament which required that no magistrate should act without his qualification being registered: so far as they knew what the qualification was when the magistrate was appointed, he had no objection, as that would be found in the office of the clerk of the peace; but what those qualifications were, and where they were at the present time, could only be obtained from the magistrate himself, and by the 18th of Geo. 2, he would be liable to a penalty of 100*l.* if he acted without a qualification. This would be requiring of the magistrate to convict himself in a heavy penalty for the breach of that act, supposing him to have acted without such qualification. He did not know whether this would not be a violation of the fundamental principle of the constitution, to compel a man to criminate himself, and if so, the House could not agree to such a proposition. But the hon. baronet had said, there were many improper appointments of police magistrates; he wished the hon. baronet would come boldly and manfully forward with his charges, and not state them in that narrow, pitiful way, without stating the particular charge, or naming the particular individual. He had appointed two or three police magistrates since he had the honour of holding his present office; he would wish the hon. baronet would state, whether he meant to allude to any of these? If he meant to state so, he gave the charge as direct and unequivocal a denial as words could convey. With respect to the conduct of the magistrates in regard to Alblas, the hon. baronet stated, that he did not understand what was the accusation against him. He had been asked some questions, which he declined to answer; at the same time he was told he might or might not answer them. It was, therefore, unfair to argue upon the circumstances of that case; but he must take it for granted, that there were circumstances sufficient in the opinion of the magistrate, Mr. Graham, to justify and call on him to commit the individual. What reason was there then to impute any improper conduct to Mr. Graham? Instead of any imputation, in his opinion, he was deserving of public approbation and thanks. He must again repeat, he could wish the hon. baronet would not deal in dark and distant insinuations. Let him come forward manfully and boldly, and state his charges; this would be more satisfactory to himself and to the House, than to be dealing in that sort of equivocal denial and unfounded assertion.

Mr. *Tierney* said he had nothing to advance against the conduct of the police magistrates; but thought it necessary that some qualification should be shown to the House, in order to maintain the public estimation of the character of those who had so much power in their own hands. As he understood the objection of the right hon. gentleman, it was not to the production of the qualification delivered in upon their appointment, but to their stating what it was, and where it now was; and the right hon. gentleman said, it would be unjust to call on men to subject themselves to pecuniary penalties; but was not the House to be put in a way of obtaining that information? The House should know whether or not the law was properly executed. Let the right hon. gentleman only point out some mode by which they may obtain the information; if not by this, by some other. Whether they had done this or that act, he did not ask of them to betray themselves into a liability to pay the penalty. If a man sold goods without a license, he had a right to be asked whether he had a license; if this was not the case, what remedy would a court of justice have? In what manner could the court proceed against him? The same mode he would adopt in the present

Digitized by Google

case. From the unwillingness to produce these returns, he should most strongly suspect there was something wrong in the appointment of some of these magistrates. If there was any thing improper in point of legal form, to the mode proposed, he hoped the right hon. gentleman would condescend to suggest the best mode of coming at the fact. The legislature having passed a law, it was right they should see whether or not that law was evaded. It was of the greatest importance to the ends of justice that they should know that those to whom the administration of the law was confided, were properly qualified. For these reasons he warmly concurred in the motion of the hon. baronet.

The *Chancellor of the Exchequer* observed, that there never was a motion brought forward in that House with less grounds to maintain it. The hon. baronet assumed that, of which there was not the slightest evidence. He conceived there were two answers to the proposition of the hon. baronet, the first was, that there was no reason whatever to believe the law had been broken; and the second was, that if it had, the last thing the House would do would be to call on that individual who had broken it, to give evidence tending to criminate himself. This was the strongest objection to any motion at all upon the subject. There were no grounds laid for the motion; no particular charges stated; no statement founded on facts; but merely a general surmise of the hon. baronet, that improper appointments had been made. There were no reasons for this enquiry, unless the hon. baronet could lay such grounds before the House as would satisfy them that the inquiry should be gone into. The House had never expressed an opinion that the law had been broken; if it had, the legislature had provided the remedy, with which the House had nothing to do. If the law was broken, the penalty was incurred, *qui tam* actions would lie against the party so violating the law; and the case would be tried by a jury, who would have to determine upon the proof. There was nothing in this law which applied more particularly to the police magistrates than to every magistrate throughout the country. Would the hon. baronet call upon them all to state what was and are their qualifications, and where? How was the hon. baronet to maintain the character of the magistracy by this mode of proceeding? It was an easy task for gentlemen to say there were acts of severity exercised by the magistracy, but they had no evidence, no facts, to bear them out in this statement. Was this the way to maintain and uphold the character of the magistracy? But the hon. baronet said they were protected by the broad shield of that House, and he stated, as his grounds for this assertion of the severity of the magistracy, something he had seen in the newspapers. He would ask the hon. baronet himself whether he would ground any proceeding on a bare statement in a newspaper? As to the severity which was asserted with respect to Alblas, there were circumstances of suspicion which led the magistrates to believe that he was on a given time at a given place; they did not require of him to criminate himself, though if he could have given a satisfactory account of himself during that period, the case would bear a very different complexion, and the magistrates would not have acted properly if they had not given him an opportunity of accounting for that time. The individual who put an end to himself to evade justice was taken up on mere suspicion; would the hon. baronet say he ought not to have been detained? Was the hon. baronet prepared to say that all persons taken up on suspicion ought to be discharged? But there was the greatest degree of harshness and injustice in the manner in which the conduct of the magistrates upon that occasion was animadverted upon by that House. One hon. gentleman charged them with not sufficient exertion, another started up and charged them with being too severe. For all these reasons he saw no grounds whatever for the present motion.

Mr. *Whitbread* thought a great part of the right hon. the Chancellor of the Exchequer's speech should have been made before the original motion, for if he could not prevail on the House in the first instance, they could not now concur with him in thinking the present motion was wrong. He denied that any imputation had been thrown on the police magistrates by the hon. baronet; no such imputation was intended. Some of them were personally known to him, and highly respectable. He knew no individual more so, than the worthy magistrate, Mr. Graham. But the police system was altogether an object of jealousy. And he well recollected the exertions of an hon. friend, now no more, (Mr. Windham) against that system, which he considered an infringement on the

Digitized by Google

liberty of the subject; this was the objection of the hon. baronet; this was the object of jealousy of which the House complained. The right hon. gentleman called on the hon. baronet to substantiate his charges; that was not necessary; it was more important to know whether those police magistrates, from a state of independence, had become dependent. But it was said, that by making these returns, the magistrates would become liable to danger. What danger would they be exposed to? He should be glad that some of the learned gentlemen opposite would point out to him, whether they would be in more danger than if a common informer were to prosecute? Would he not be capable of bringing proof of the want of qualification? And why should the House of Commons be refused that which an informer could procure? If, therefore, no other mode should be pointed out, he should feel it his duty to support the present motion.

The *Attorney General* wished to know what grounds the House had against these persons, that they should call on them for their qualifications? The legislature had already provided a remedy; they were subject to a heavy penalty. He assured the hon. gentleman, that from any thing within his own knowledge, or the information he had received from his hon. friends, there was not the least grounds of suspicions whatever against the police magistrates, and he could not see any reason why that should be enforced against the police magistrates, which was not enforced against all the other magistrates of the country. He objected to the motion, because it called upon them to bring proof against themselves of having acted illegally, and whatever a man stated against himself was evidence against him, and the conceived the House might direct a prosecution, wherein his own admission might be evidence against him.

Sir *J. Newport* considered that there was a great distinction between the police magistrates and the magistrates of counties, the one acted voluntarily without any pay, the other was handsomely paid by the public; and as servants of the public, and paid by the public, their conduct was equally liable to be enquired into by that House as any collector of the revenue, or any other public officer.

The House then divided, when there appeared

For the Motion	7
Against it	57
Majority	—50

HOUSE OF LORDS.

Monday, February 3.

Distillery Bill.] On the question for the House resolving itself into a Committee on this Bill,

The Earl of *Lauderdale* said, he did not rise to oppose the Bill, but he thought it incumbent on him to state his reasons for not doing so. He had on former occasions maintained, and still maintained the principle, that it was impolitic to stop the distillation from grain, because such a measure tended to the discouragement of the agriculture of the country, and he was convinced that to keep up the distillation from grain was the best method of insuring a supply of food for a year of scarcity, when it should become absolutely necessary to prevent the consumption of grain in the distilleries. It was very questionable, whether the produce of the late harvest had been so deficient as had been stated; but under the circumstances in which we were placed, and when scenes were exhibited in the country which had never before been seen in it, he thought it would be better to lean to the safe side, and not to run the risk of increasing any scarcity that already existed. It was upon this ground, therefore, that he did not oppose the Bill; the measure was, however, very objectionable in another point of view. His Majesty's ministers having the means of ascertaining the deficiency in the produce of the late harvest, ought undoubtedly to have called parliament together for the purpose of taking the earliest possible steps to counteract the evil, or if there was any inconvenience in assembling parliament, they ought to have acted upon their responsibility in stopping the distilleries, and come to parliament for an indemnity. As it was, a quantity of spirits had already been distilled from grain, sufficient, in many parts of the country, for the consumption of the year, and the present measure could only apply to the quantity distilled for the succeeding year. He thought it right to say a few words before he sat down upon the observations which had been made upon the rejection of a similar measure by the House last session, which had been brought up from the Commons. Nothing could be more unfounded than those observations, as there was not at that period any scarcity to justify suspending the distillation from grain, and therefore the House acted perfectly right in rejecting the Bill.

Digitized by Google

Earl *Bathurst* said that no time had been lost in bringing forward the present measure. It was always difficult, in the early part of the season, to ascertain the extent of any deficiency in the produce of the harvest. The best criterion was the prices; and when it was found that the harvest had turned out so much more unproductive than general report had at first assumed, a decision was taken to stop the distillation from grain; and subsequent to that decision, no prorogation of parliament took place. As to the executive government taking upon itself to issue an order to stop the distilleries, he thought it an unjustifiable measure, at least one that could only be justified by the greatest possible necessity, and certainly a measure highly unconstitutional.

Lord *Grenville* entirely agreed with his noble friend who had just sat down, that it would have been highly unconstitutional for the executive government to have taken upon itself to have issued an order to stop the distilleries, and that it was a measure which could only be justified by extreme necessity. His Majesty's ministers, however, had it in their power to summon parliament to meet in fourteen days, and therefore they had the means of bringing the subject earlier into discussion. He regretted, however, to observe, that the unconstitutional mode of petitioning the executive government instead of the parliament, was fast gaining ground among the people. Instead of waiting to petition parliament, petitions were addressed to the executive government, for them to take steps to stop the distillation from grain, and even the citizens of London, meeting in the very metropolis where the parliament assembles, had adopted this mode of petitioning the executive government. With respect to the Bill before the House, he was inimical to the principle of stopping the distillation from grain, nor could he even go so far as his noble friend near him, in considering it as a principle, that the suspension of the distillation from grain ought to be resorted to in, a year of scarcity, because he thought that even setting up that principle tended to discourage the agriculture of the country. Under the present circumstances, however, of the country, he was not disposed to press the reluctance which he felt to agree to a measure of this nature. He was not so much influenced to this conduct by the internal state of the country —a state which, in one populous part of it, was most undoubtedly disgraceful to ministers. Discontents had been suffered to grow into riot and tumult, and threatened to increase to actual rebellion, without any steps being taken by government to repress these disorders, and it certainly reflected no credit upon parliament that it had been sitting so long without taking any notice of these excesses. He was not, however, so much influenced by these circumstances in opposing the present Bill, as by the state of our foreign commerce. Cut off from all supplies from the continent of Europe, and he feared also from America; at war nearly with all Europe, and the war likely, he feared, to be extended to the most calamitous quarter for this country, namely America, it was the consideration that we could not under these circumstances obtain supplies through the means of our foreign commerce, that chiefly induced him not to press his reluctance to the present measure.

The Earl of *Lauderdale* observed, that ministers had resorted to a more unconstitutional mode than the one he had pointed out, in stating to the distillers, that the distillation from grain would be stopped, and thereby intimating that the voice of parliament went for nothing, and that the decision of the executive government was every thing.

Earl *Bathurst* said, that when the petitions came before the executive government, a decision was taken upon them, and it was intimated to the parties interested, that a proposition would be made to parliament to suspend the distillation from grain, leaving them to pursue their own course. Was there any thing unconstitutional in this?

The Bill passed through the Committee, and was reported.

HOUSE OF COMMONS.

Monday, February 3.

THANKS OF THE HOUSE GIVEN TO MAJOR GENERAL COLE.] Major general the hon. Galbraith Lowry Cole being come to the House, the Speaker acquainted him, that the House had, upon the 7th of June, in the last session, resolved, That the Thanks of this House be given to him for his distinguished exertions on the 16th of May last, in the glorious battle at Albuera, which terminated in the signal defeat of the enemy's forces; and

The *Speaker* gave him the Thanks of the House accordingly, as followeth:

Digitized by Google

"Major General Cole; after your long absence upon military service, we cannot behold your return amongst us, without calling to mind the memorable events which have signalized the arms of this country in modern times, and in which you have borne a distinguished part.—In the annals of our military history, the plains of Maida can never be forgotten; where British valour and the steadiness of British discipline routed the veteran troops of France, and humbled the pride of a presumptuous enemy; and we cannot forget, that in the history of that day, your name stands inrolled amongst those whose gallantry bore the brunt of the contest, and decided its issue. Pursuing the same career of honour, and toiling onwards in the fields of war, you have again claimed our admiration and gratitude by your distinguished exertions in the hard-fought battle of Albuera: for the commander in chief of the allied armies upon that day has given us his recorded testimony, that, by your experienced eye, and judicious valour, the triumph of the day was completed; when you were seen leading on your troops to the charge, and although yourself amongst the wounded, yet foremost amongst the victorious.—These deeds of glory lose not their reward with a great and warlike nation. I therefore do now, in the name, and by the command, of the Commons of the United Kingdom of Great Britain and Ireland, deliver to you their unanimous Thanks for your distinguished exertions in the glorious battle of Albuera."

Upon which Major General *Cole* said,

"Sir; to be considered by this House as deserving their Thanks, is certainly highly gratifying to my feelings; but I should ill deserve the honour conferred on me, or the situation I hold, were I to take that merit to myself, which is unquestionably due to the unconquerable spirit and gallantry of the troops it was my good fortune to command on that memorable day. To them, and to them alone, thanks are due. I beg the House however will do me the justice to believe, I am fully sensible of the honour conferred on me; and I have to regret my inability to express my obligation to you, Sir, for the handsome and flattering terms in which you have been pleased to convey them."

Ordered, *nem. con.* That what has been now said by Mr. Speaker in giving the Thanks of this House to major general Cole, together with his Answer thereto, be printed in the Votes of this day.

State of Ireland.] Lord *Morpeth* rose and spoke as follows:

Mr. Speaker; in rising to propose to the House to go into a Committee on the actual State of Ireland, I am sensible that some apology is due from me, for attempting to bring before their consideration a subject of such magnitude and importance. It is, I believe, within the knowledge of many members of the House, that a notice was given of a similar motion in the name of a noble relation of mine, now unfortunately prevented from attending his parliamentary duty:—however anxious he might feel to discharge that duty (and no one, I am confident, is more sensible of the importance of the subject,) yet the House must be aware that occasions may occur, in which the strongest sense of parliamentary duty may be allowed to yield to the severe and melancholy pressure of domestic calamity. The task therefore that he has been obliged to relinquish, I have ventured to undertake.

I have a consolation in thinking that the actual State of Ireland will not require any minute and detailed description; it is written in characters too plain, distinct, and intelligible to be mistaken by the most careless, or misinterpreted by the most perverse: it needs not the aid of rhetoric, nor the embellishments of oratory; it comes home to the feelings and understandings of all men.

With regard to the motion that I shall have the honour of submitting to the House, though it comprehends the whole actual State of Ireland, I certainly wish to confine my view of it principally to the consideration of those disabilities of which the Catholics have long complained, and under which they still continue to labour. I should wish, as far as I am personally concerned, to abstain from entering into a discussion respecting the legality or illegality of the late proceedings of the Irish government, and the construction that in their discretion they have put on the Convention act. Not that I conceive that it is not within the competence of parliament to institute such an enquiry, but I should be reluctant in the course and train of judicial proceedings, to propose the adoption of any specific proposition, which might be supposed in any degree to affect or impair the ends of substantial justice. But with regard to the policy which dictated these measures, with regard to the policy which

Digitized by Google

dictates the continuance and extension of these proceedings, combined with the system of unqualified and undeviating opposition to the claims of the Catholics so uniformly maintained by the present ministers, I am justified in asserting that an increased degree of dissatisfaction and discontent, an increased feeling of disquiet and irritation, has been produced throughout the whole of the Catholic community; and it does not appear to be confined to the Catholics alone: in many parts of Ireland the Protestants have come forward in support and vindication of their Catholic brethren. There can hardly indeed be a stronger proof of the urgency of the crisis, than that those whose interests have been represented as so adverse to those of the Catholics, should now find their interests and their security most promoted by advancing and supporting the claims of their fellow countrymen. Reflections of this nature, and a consideration of the state of discontent and dissatisfaction so widely and unequivocally felt by the whole body of Catholics, would naturally lead to the propriety of examining into the grievances complained of, and the duty indeed, consistently with the security of the country, of satisfactorily redressing them.

It is sufficient in this part of the subject to recall the attention of the House to the various discussions that have taken place upon former occasions, without endeavouring to repeat the arguments by which they were supported. It is not necessary to travel back to the council of Constance, or to the decrees promulgated in the fourth of Lateran. It is hardly necessary to go into a review of the earlier periods of English connection with Ireland, of the policy pursued by king William, nor even to dwell at any length upon the history of the two acts that were passed at the beginning of the last century, so emphatically called the two ferocious acts of queen Anne, which, however apparently justified by the necessity of the times, and the circumstance of a Catholic party being in league with a foreign Pretender, did nevertheless impose the badge of servitude and submission upon a prostrate and degraded population. Much indeed has been done since that period to ameliorate the condition of the Catholics, and I am not disposed to under-rate the value of that amelioration. Those obnoxious statutes have been repealed, and the consequence has been, that Ireland has sprung forward with the vigour and elasticity of youth; but disabilities, though modified in extent, yet not contemptible in degree, still continue. The principle of exclusion is still maintained: that principle, which, when founded solely on differences in points of doctrine and in modes of faith, and no longer applied as a test to discriminate and detect opinions politically dangerous, can only be considered by dispassionate persons as affixing upon the whole body of the Catholics an unnecessary penalty, conveying an unmerited reproach, and wantonly inflicting a gratuitous disgrace.

The amount and nature of the several disabilities is sufficiently known to the House. It is indeed contended *in limine*, that the removal of these disqualifications would not materially interest or affect the great mass of Catholic population. It is contended, that the private soldier would feel no gratification or pride in seeing the officer whom he had followed to battle and to victory elevated to the highest rank in his profession; that the Irish peasantry would feel no satisfaction in seeing their peerage resuming their hereditary seats in the legislature of their country, or their gentry raised to the highest offices of the bar and of the state. Such positions are not only at variance with the declarations of the Catholics themselves, with the testimony of those best acquainted with their character and disposition, but utterly irreconcilable with the feelings of human nature itself.

The objections to concessions to the Catholics may be divided into two classes: the one containing those that apply to the whole principle of concession under any circumstances, and at any time; the other containing those not hostile to the principle, but censuring and criticising the time and mode of applying the remedy. The first is indeed of a formidable description: it is contended by those who oppose the principle, that the concession of capacity of power to the Catholics would materially endanger, if not subvert, the Protestant establishment in church and state. The reasons indeed of this alarm, the grounds upon which it is founded, have never, in my opinion, been defined with that degree of accuracy as to carry even the semblance of conviction to an unprejudiced mind. That alarm must proceed upon the utter disregard

Digitized by Google

and complete disbelief of all the declarations that have been made by the Catholics, of the oaths they have taken, and are ready to take, of the tests by which they are willing and anxious to abide. But looking at the condition of the Catholics in the mixed ratio of their population and their property, counterbalanced as it is by the great authority and influence of the establishment, counterbalanced also as it is by the power and influence of the great body of the dissenters (not particularly interested in building a Catholic hierarchy upon the ruins of a Protestant establishment), is it not absurd and extravagant to suppose that the Catholics, if they had the inclination (which I deny), could have the power to subvert the Protestant establishment? If I could have entertained such a belief, I should be most culpable in proposing the present measure; I should have been culpable in the successive votes that I have given in favour of the Catholic petitions. I should also have been culpable in having given my support to the great measure of the Union under the decided expectation that it was the intention of the government of that day, upon the accomplishment of that work, to have proposed such measures of relief to the Catholics as would have effectually removed the causes of the present discontents. How these expectations were realized, it is needless now to enquire. How the expectations of the Catholics were realized, is a subject of graver import and of weightier consideration; but in this part of the subject it is only necessary to refer to a statement so convincingly made upon a former occasion by a right hon. friend of mine (Mr. Elliot), who at the time of the Union held an official situation in the Irish government. It is unnecessary to enter into discussions that have been frequently repeated; it might appear almost presumptuous to tread upon ground that still bears the traces, still revives the recollection of that great man (Mr. Fox*,) now unfortunately no more, who never displayed the powers of his mind with more signal effect, than when he stood forth the champion and advocate of the civil and religious liberties of his countrymen. Nor will I venture upon topics illustrated and adorned by the genius and eloquence of a right hon. gentleman (Mr. Grattan), whom we have the good fortune to possess among us, and to whom, for these and for similar services, Ireland must ever look with feelings of esteem and gratitude.

There are objections of a more pliant and less robust texture, which do not apply to the principle of concession, but to the time and the mode of introducing the measure. With regard to those who are averse to the principle, I am afraid no time or circumstances can influence the severity of their opinions; but to those who have looked with an eye of indulgence on the claims of the Catholics, I should hope that the present moment would not appear to be unpropitious. I should trust that the object will not be seen as through a mist, and in a distant perspective; it will not now be suffered to elude their grasp and recede from their vision. I should hope that it might appear to them as if we were willing, by a sort of spontaneous movement, to advance one step in the road of conciliation; that we were desirous to atone in some measure for the long series of injustice and oppression, which disgraced and deformed the earlier periods of English rule in Ireland; and that even in later transactions we might be inclined to soften the bitterness of frustrated hope and protracted disappointment. We might be enabled to add a grace to concession, which in the estimation of a spirited, open-hearted, loyal, and affectionate people might materially enhance the value of the gift. But even in this view of the subject I am far from pressing the hasty, immediate, unconditional, and unqualified acquiescence in all the claims of the Catholics. We have, I trust, time to examine the subject maturely and deliberately; we have time to combine our concessions with all the securities not only essential to the maintenance of the doctrines of the Protestant church, but to the entire and inviolate preservation of all the varied gradation of its functions, all the authority of its institutions, all the dignity, splendour, and importance of its various establishments. But though we have time to enter into the enquiry, we have not time to procrastinate the period of beginning it.

In what situation are we placed? It is not sufficient that the most effective portion of Europe should be embattled against us, conducted also by a skill, and actuated by an energy, never before paralleled. It is not sufficient that we should be upon the point of adding the inhabitants of an-

* For Mr. Fox's Motion on the State of Ireland, see Vol. 4, p. 834*.

Digitized by Google

other hemisphere to the list of our adversaries; but in addition to this, we must pursue a system most eminently calculated to encourage, cherish, and propagate discontent and dissatisfaction at home. What indeed has been the situation of the Catholics? Their very religion has been reviled; that form of religion held and reverenced by much the greater portion of the Christian world, has been converted into a term of reproach, into the watch-word of a party: they have been assailed not only by the abuse and the invectives of the illiterate, but have been exposed to the mis-statements and misrepresentations of the great and the powerful; the opposition to their claims has been made the stepping-stone to ambition, the symbol of loyalty, and the road and avenue to patronage, preferment, and power. Their conduct has been regulated and moderate, they have listened to your reproaches with patience, they have never discontinued their effective aid and succour to the manning of your navies, and recruiting your armies; and have co-operated in the awful struggle in which you are engaged with undiminished resources and unexhausted zeal. But that they should not feel acutely and sensibly the treatment they have experienced, is to suppose them destitute of the common feelings of human nature.

And what is the present situation of the Catholics? According to the construction put by government upon the Convention Act, you are proceeding against nearly four-fifths of the population of Ireland, against a fourth of the population of the empire. And with what description of persons are you at issue? Not with those whom the ardour and inexperience of youth, perhaps the chagrin of disappointed ambition, may have led into acts of intemperance and violence; not persons of that description, but with those whom the whole body of the Catholic persuasion looks up to as among those who are the most eminent in rank, the most distinguished in talents, the most estimable in all the public and private relations of life. You proceed against them as if they were engaged in some dark and mysterious confederacy to unhinge the fabric of that constitution, into a full participation of whose blessings it has been the highest object of their ambition, the unceasing prayer of their petition, to be allowed to enter. If indeed you suspect their loyalty, it is the duty of government to institute proceedings calculated to meet the exigency of the case. If you foresee danger, you must take measures to avert it; but if it is only the scheme, the mode, and machinery of delegation, against which you direct the strong arm of authority, it must be recollected that in the case of the Catholics such a system has not only been tolerated, but has been recognised by former governments, and that no evil effects have ever been stated to have resulted from such toleration and such recognition. Is it then expedient, is it wise, for such an object, and with such a view, to perplex, harrass, and disturb the whole of the Catholic community? Without then imputing any criminality of intention, or any illegality of proceeding, to the government of Ireland (and I am not disposed to advance so serious a charge without a firm conviction of the truth by which it is supported), I am, I think, justified in contending that the conduct of that government has produced a state of affairs in that country, which loudly and imperiously demands investigation and inquiry. The grounds of the motion which I have the honour of submitting to the House, are reducible within a narrow compass; they resolve themselves into the state of dissatisfaction and discontent arising from the operation of the disabilities still imposed upon the Catholics, and the system pursued by government with regard to their known decided and recorded opposition to the claims of that body. The remedy I propose is, to enter without delay into the great work of a sincere and cordial conciliation with the Catholics of Ireland. The motives which impel me, are the urgency and peril of the crisis, and the serious and unfeigned apprehension that delay may terminate not only to the prejudice, but eventually to the destruction, of the country. I beg leave to move, "That this House will resolve itself into a Committee of the whole House, to take into consideration the present State of Ireland."

The Marquis of *Tavistock* merely rose for the purpose of seconding the motion, agreeing, as he did, with all that his noble friend had advanced in support of it.

Sir *John Nicholl*, after a few introductory observations, and remarking that the motion, although, in words, it formed a very general proposition, yet appeared to have been limited by the noble lord who introduced it to the consideration of what is usually called the Catholic Question;

Digitized by Google

proceeded nearly to the following effect:

In order to arrive at a correct judgment upon the subject, it is proper to divest it of all terms and names which only tend to distort it; to separate it from general topics, with which it is very remotely connected; to mark out the true point for consideration, and to keep that point constantly in view; to ascertain where the presumption lies, and to which side the burden of proof belongs. It is not altogether unnecessary to guard ourselves on these particulars; for, in these discussions, we are in the habit of hearing much of excluding the Catholics from their 'natural rights,' of depriving them of their 'constitutional privileges,' of Catholic 'emancipation,' as if they were in a state of slavery; we hear declamations on the odiousness of 'persecution and intolerance,' and on the value of 'civil and religious liberty,' as if there were many conflicting opinions upon those subjects. In the present enlightened state of society there is hardly an educated and intelligent person who does not hold in detestation and abhorrence, any approach towards persecution and intolerance, who does not hold, in the highest estimation, the blessings of civil and religious liberty. Surely it is not necessary that a man should cease to be a christian, in order not to be a bigot? or should lay aside religious preference, and become equally indifferent to all religions, in order not to be intolerant. If those who, from a regard to toleration itself, and to civil liberty, are anxious to preserve the constitution, in church and state, as, at present, by law established, are yet to be charged with attempting to raise a cry of 'no Popery,' and of 'the church being in danger,' when, in reality, an attempt is made artfully to raise a cry against them of bigotry, persecution, and intolerance, the artifice ought to be pointed out and guarded against. On the one hand, no person can seriously believe that those respectable members of the legislature, who think that further concessions ought to be granted to the Catholics, have it in view to pull down the church of England and to introduce popery; on the other hand, this admission may fairly be claimed from their candour, that those who think the concessions ought not to be granted, have yet no disposition to persecution and intolerance. The true ground, upon which we ought fairly to meet, is this: can these concessions be made with safety to the constitution? if they can, reason and justice appear to require that they should be granted; if they cannot, reason and justice, justice to the rest of the nation, to the Protestants of Ireland in particular, and even to the Catholics themselves, require that they should be withheld.

Perhaps the very term, 'concessions,' will be objected to. The Catholics, it will be said, do not come to ask concessions, but to demand their rights, their birthrights, their natural rights. In this country it is rather too late to enter into a discussion of the 'natural rights of man.' In constituted societies natural rights must necessarily be abridged for the promotion and security of social order. The constitution of this country has already defined what portion of those rights must be taken away; we must presume that as large a portion of our natural rights has been left to us, as is consistent with the order and happiness of civil society; if there has not, let it be fairly and openly avowed, that it is the constitution itself you propose to alter.

Instead of thus avowing the real proposition, other terms are resorted to; it is their 'constitutional privileges,' 'their share in the constitution,' that the Catholics claim. The fallacy of this pretension exposes itself. Where are these privileges to be found but in the laws of the constitution? If the laws give these privileges, it is unnecessary to apply to parliament; they already have them. If the laws exclude them from these privileges; then, again, it is the constitution you propose to alter.

Terms, however, still less defined, are then resorted to. The 'principle and spirit' of the constitution, 'these would extend religious liberty as widely as possible.' Thank God! they would carry the blessings of toleration as far as can possibly be done with safety to the constitution itself. But it is still to be presumed, that the laws which have, at various times, been made for the improvement of the constitution, have been framed in its true 'spirit and principle,' and with a due regard to 'religious liberty;' and yet, hitherto, it has not been thought safe by those laws to concede to the Catholics what they now demand. What is the very leading principle and essential character of our constitutional laws, so far as they regard this subject? the security of the Protestant establishment. It was for the sake of securing the Protestant Church,

Digitized by Google

that the revolution, so fondly termed the 'glorious' revolution, was principally effected. It is for the security of that Church, that the sovereign must be a Protestant; that the royal consort must be a Protestant; that the ministers of the sovereign must be Protestant; that the parliament must be Protestant. It is for the security of that Church that the house of Brunswick sits upon the British throne; why, then, the constitutional principle of extending religious liberty has its boundary; it is limited by whatever is necessary to the security of the Protestant established Church.

Let it, at the same time, be recollected, that this constitutional anxiety for the safety of the Protestant church, is not founded in a bigotted hostility to popery, merely as a different mode of worship, and a different construction of divine revelation,—not founded merely in religious preference, and in a difference of tenets; but it is founded also in an anxiety for the very safety of civil and religious liberty—an anxiety growing out of experience.—Experience had proved that the Roman Catholic church had a strong tendency to arbitrary power and to intolerance;—experience had taught our ancestors at the revolution, (and its impressions should not be effaced from our recollection, nor from that of our latest posterity,) that popery, on the one hand, and puritanism, on the other, were not very congenial with civil and religious liberty. The church of England, standing between the two extremes, had been found favourable to both; and its altar was considered as the soundest basis on which to set up the palladium of our national freedom.

Seeing, then, that the constitution itself, particularly as settled, in this respect, at the revolution, and as it exists (with some subsequent improvements) at this day, has, hitherto, thought it necessary to exclude the Catholics from a certain portion of the government of the country; seeing, also, that the same exclusion existed in Ireland, while a separate kingdom and having a distinct legislature, and that it was not only continued upon the union between the two kingdoms, (whatever might be the expectations formed by the Catholics of any subsequent change) but that the preservation of the established church of England and Ireland has been expressly declared to be 'an essential and fundamental part of the union;"—where lies the presumption?—It is not meant to be asserted that the legislature may not make alterations and improvements in the constitution (so far, at least, as is consistent with good faith to the Protestants of Ireland, who are parties very importantly interested in this question, both in the preservation of their church and of their property); but all that is, at present, attempted to be established, is the true ground upon which the consideration of the question commences, and from which it sets out. Surely it must be admitted that the presumption is in favour of the existing constitution, and the burden of proof lies upon the Catholic; he and his advocates must make out their reasons for altering the constitution.—Here is no new principle of exclusion to be set up—no established privileges to be taken away. The Catholic has no right to call upon his opponents to argue this as a question of exclusion and restriction, against which the presumption lies; that question has already been decided by the constitution;—he must establish his case for altering the constitution, and must shew that, what hitherto could not be done with safety and propriety, may now be effected with advantage and with security.

Not only does the proof lie upon the Catholics, but its clearness must be proportioned to the magnitude of what is asked, and the risk in granting it. At present, no specific proposition is brought forward; yet, on the other hand, no former demands are given up, nor are any counter concessions offered. Referring, therefore, to former claims, they ask, and they propose to accept, no less than 'full, complete, unqualified participation of political power.'

Now, if, upon examination, this shall appear not to be giving up a little on the part of the Protestant government in order to confer a great benefit on the whole Catholic body; but that, while it is conferring comparatively a small benefit upon Catholics in general, it may be risking every thing to the Protestant establishments, particularly to those of Ireland—in that case, the safety of the measure should be made out to be clear and manifest; its safety should be proved, not by specious reasonings and theoretical refinements, for against those are to be placed past experience, and the uniform decisions of our ancestors. The chance of partial benefit will not justify the risk of universal calamity. Under the constitution, as it exists, the nation has enjoyed

Digitized by Google

the greatest blessings; liberty—toleration—wealth—tranquillity—external greatness—and domestic happiness. Before we risk these enjoyments, by an important alteration in the constitution,—by admitting, into a full participation of the powers of the state, a description of persons whom the constitution (no matter for what cause, religious or other) has, hitherto, judged it necessary to exclude, it ought to be made clear, almost to moral demonstration, that the change can be safely made.

Let, then, the true question for consideration be constantly kept in sight. It is not whether the Catholics are loyal; the great body of them are loyally attached to the constitution and to the empire, and would be more universally so, were they not led astray by wicked and designing persons, who, to answer purposes of their own, endeavour to excite the Catholics to turbulence. It is not, whether they shall have full toleration; they have it already. It is not whether they shall be protected in their persons and in their property; they are under the protection of the same laws as the rest of the king's subjects:—but whether they shall unconditionally share in every part of political power.

That some qualifications may be required for admission into the exercise of particular parts of political power will hardly be denied, since it is a principle that runs through almost every branch of our constitutional law. That religious opinion may be a proper qualification, should not be brought into discussion; otherwise it may be necessary to defend the propriety of requiring the sovereign himself to be Protestant;—but the true point to be discussed (from which ground the advocates of the Catholics should not be suffered to shift the question), is this, the necessity and safety of making the change, and which can only be established by some great change of circumstances.

What, then, is this great change?—Has the Roman Catholic religion changed its tendency and its great leading characters?—Invidious imputations against that religion, (which can only produce irritation, where mutual kindness is so desirable,) should be carefully avoided. Whether the principles of a dispensing and a deposing power, and of keeping faith with heretics, now or ever did exist, need not be discussed. How far the abuse of such a pretension might take place to mislead the low and ignorant, may be one question; but against the enlightened Catholic, against the higher orders of that persuasion, the imputation of such principles must be unfounded.

Particular tenets of the religion, such as transubstantiation, the worship of the Virgin, and the like, are still less material in considering this question, which is to be examined in a political, and not in a religious point of view.

But the political tendency of the religion to arbitrary power and intolerance, and its leading characters, namely, the dominion of the priesthood over the flock, and the authority of the pope over the priesthood; are these qualities changed?—and while they exist, can these claims be safely admitted?

What is this power of the pope? an authority of the most extensive kind, vested in a foreigner, not under the controul of the state; and that foreigner (whatever be the character of the individual who, at present, fills the station) must be, as long as Europe remains in its present condition, a mere instrument in the hands of France.

The influence of the priesthood over the flock, is also nearly without limit; it is not confined to religious instruction, but extends itself into all their civil, their social, and their domestic concerns. The tendency of such an influence, under such an authority, has shewn itself in all past times.

The existence of dangers from these circumstances has been so repeatedly admitted by the best friends of the Catholic cause, that it seems unnecessary to enter into a discussion of it. By the best friends of the Catholics are meant, not those who are endeavouring to mislead and inflame them for views of their own, but those respectable members of the two Houses of Parliament, who, at different times, have brought forward and supported their petitions. They have been sensible of these dangers, and have distinctly and repeatedly admitted their existence. A short passage or two from the celebrated letter of a noble lord (Grenville) intitled to high respect, the Chancellor of the University of Oxford, will serve to prove the assertion. "With the just and salutary extension of civil rights to your body must be combined, if tranquillity and union be our object, other extensive and complicated arrangements—all due provision must be made for the inviolable maintenance of the religious and civil establishments of the united kingdom: such at

Digitized by Google

least has always been my own declared opinions."—" Among these measures I pointed out the proposal of vesting in the crown an effectual negative on the appointment of your bishops. That suggestion had previously been brought forward in the House of Commons to meet the just expectations, not of any bigotted or interested champions of intolerance, but of men of the purest intentions and most enlightened judgment—men willing to do all justice to the loyalty of your present bishops, but not unreasonably alarmed at any possibility by which functions of such extensive influence might hereafter be connected with a foreign interest hostile to the tranquillity of your country: a danger recently very much increased by the captivity and deposal of the head of your church, by the seizure of his dominions, and by the declared intention of that hostile government to assume, in future, the exclusive nomination of his successors." —" When I speak of the necessity of combining with the accomplishments of your wishes, provisions of just security to others, I am no less desirous of consulting every reasonable apprehension on your part. To the forms indeed of those securities I attach comparatively little importance." —The necessity, then, of securities, in some form or other, against foreign influence,—of complicated arrangements for domestic tranquillity,—of provisions for the inviolable maintenance of the civil and religious establishments of the united kingdom,—is here distinctly stated, not by a " bigotted champion of intolerance," but by the great leader of the Catholic advocates.—The same admission has been repeatedly made, by other eminent supporters of the Catholic cause.

Whether any such barriers and arrangements can be devised as shall afford sufficient security, cannot at present be examined; because none are now proposed —nor hitherto have any that appear satisfactory been any where stated. The negative to be vested in the crown on the appointment of bishops, has since been rejected and disavowed by the Catholics, notwithstanding " the acquiescence of their church in similar arrangements under other governments, and the express consent formerly given by the most considerable of their own bishops." The demand now seems to be made on their part, of unconditional concession, without any guard or security whatever; and, what is still more strange, these supporters of the Catholics, from some unaccountable change in their opinions, appear ready to go that length in their concessions!!!—And what is it that is now demanded?—That which does not exist in any country, Catholic or Protestant; namely, that the government of the church shall be wholly independent of the state, while the members of that church, thus denying the authority of the state, shall yet fully participate in the exercise of all its political powers.

The want of these securities, (no proposition of any such being made, nor any plan of them suggested for consideration; on the contrary, the necessity of them being now apparently denied) might furnish sufficient grounds for rejecting the present motion at once. For, surely, in a matter of this importance and magnitude, parliament may reasonably expect some statement at least to be made of what is intended to be afterwards proposed, before it takes any one step towards giving its countenance and encouragement to the measure.

But the proposition should not be rejected upon partial considerations and formal objections, which may only serve to keep alive the continued agitation of a subject so desirable to be set at rest. It will be more frank and proper to consider briefly, the advantages which have been at different times suggested as likely to arise from these concessions, and the securities which have been hinted at as tending to prevent danger.

Among the advantages suggested, it is said that the empire will be consolidated and strengthened, and the Catholics be induced more freely to enter our fleets and armies;—that conciliation and satisfaction will be produced;—and, it is added that the concessions must ultimately be granted, because demanded by so large a body of subjects.

In regard to the consolidation of the empire, much doubt may be entertained whether that consequence is not visionary —nay, whether to admit the Catholics to a full participation of power, will not be sowing the seeds of disunion and contest in the government and in the empire. Discordant materials seldom coalesce and unite so as to produce strength. It may be asked, why should difference of religious opinions produce political discord? It is sufficient to answer, that it always has produced that effect—that it produces it at the present moment—and that until human nature is altered, and man, under

Digitized by Google

the lights of the new philosophy, shall cease to be a religious animal, it will probably continue to produce the same effect, and to be made (as it has been termed) a stepping stone to ambition, and to the acquisition of political power.

It has, indeed, been asserted that this equality of political power will even tend to the security of the Protestant interests in Ireland!—but, as the reasonings upon which the assertion was made, have not been disclosed, it seems difficult to conjecture how the increased power of the Catholics is to strengthen the security of the Irish Protestants, in the enjoyment either of their altars or of their estates!!

The consolidation of the Empire (which is the proposed advantage now under examination) appears to have been much more effectually secured by the legislative union of the three kingdoms.—That union will be best cemented by the communication of commercial advantages, and of agricultural improvements; by the interchange of personal kindness, and a free intercourse between the people; by laying aside all local distinction, and considering the three kingdoms as one country; by ceasing to misrepresent the truth, and to impose upon the ignorant by holding out to the Irish that they are a neglected, degraded, and oppressed part of the nation. Notwithstanding these misrepresentations the great body is attached to the empire, and not disposed to separate from Great Britain, or to unite themselves to France; they promptly and gallantly enter our fleets and armies; nay, it is frequently asserted in this House, that they fight the battles of the country, even beyond their proportionate numbers. The exclusion, which, in truth, does not extend to above forty offices, to high commands in the navy and army, and to seats in the legislature, situations certainly of high value to the superior order of the Catholics, and, by refined reasoning, of some value even to the lower orders,—does not come sufficiently near to the latter to affect them very sensibly; and, probably, does not cause one man the less to enlist as a soldier, or to enter as a sailor. Let it, however, not be understood that any man ought unnecessarily to be excluded from situations that are open to his fellow subjects—but that is a question of political expediency. The constitution must balance, and, it is to be presumed, has weighed the advantages and disadvantages—and the disadvantages (so far as respects the strength and consolidation of the empire) of excluding even the higher classes from the situations referred to, do not appear to possess that extreme importance which is attempted to be given to them.

The hardship upon the higher classes is certainly considerable, but stands justified by the grounds of expediency upon which the constitution has founded the exclusion. In point of principle, however, the hardship is diminished by the Union: since the Catholics, who, while Ireland was a separate kingdom, formed four-fifths of the population of that country, and were yet excluded from its government, may now, with more appearance of justice, be excluded from sharing in the government of the united empire, of whose entire population they form only one-fifth part.

The next advantage held out, is "conciliation and satisfaction." That concession will conciliate and satisfy the Catholics is at least contrary to past experience; the fact being, that while restriction was most severe, the Catholics were most quiet; and, ever since concessions have begun, they have been most dissatisfied; and their demands have progressively increased. The fact only is stated. That some inconvenience may have attended the taking off restrictions, furnishes no sufficient reason against the propriety of that measure—far otherwise—still less, would it justify the re-enacting of those restrictions. But when conciliation and satisfaction are held out as advantages which would follow from concession, past experience renders it probable that the expectation of those consequences may be disappointed.

Suppose that all the demands now made were conceded; would the measure stop here? would the Catholics be satisfied?—That is hardly possible; for other measures, some of smaller, some of greater importance, must follow; because they would stand upon the same principle—such as the repeal of all restrictions upon the English Catholics—the repeal of the corporation and test acts—the non-payment of tithes by the Irish Catholics to the Protestant establishment—a Catholic establishment in Ireland. After these, would the Protestant Church of Ireland be quite secure?—would the estates held by Protestants remain unassailed?—and are we quite sure that an attempt at Catholic ascendency would not be made even in this country?—Great privileges have been already granted to the Catho-

Digitized by Google

lics; not only the free and secure exercise of their religion, and equal protection to their persons and property; but a considerable share of political power has been conceded to them by the elective franchise. The elective franchise has given them an extensive influence over the Protestants themselves;—it has made the voice of the Catholics to be heard pretty distinctly in the legislature. There is no danger of their interests being overlooked and neglected.

But it is said that, "the concession must be made; it is demanded by four millions of subjects. In this demand they are determined to persevere year after year, till they obtain it from parliament;" nay, even menaces are insinuated—"insurrection and rebellion—the dissolution of the Union—and a total separation between the two countries."

The firmness of the legislature in the discharge of its duty to the nation is not to be alarmed by such considerations. Menaces injure rather than assist the cause they are meant to promote. They will not extort concessions. Extorted concessions never yet produced conciliation; they only serve to degrade those from whom they are extorted. The very attitude of intimidation assumed by the Catholics in Ireland seems of itself a strong objection to the making of any concession at this time.

The Catholic body, it is true, are numerous, brave, high-spirited, firm, and attached to their religion; but their Protestant fellow subjects, also, are not deficient in these qualities, and in numbers are four to one. The legislature will not be readily prevailed upon to give up the Protestant ascendency. The kindness of the Protestants to their Catholic fellow subjects has no other boundary than what is necessary to the security of their own constitutional establishments in church and state; but they must have security. The very numbers of the Catholics increase the danger of admitting them to a full share of power. If they were few, the boon might be granted with greater safety. But their numbers, though in some respects strengthening their claims, yet also fortifies the ground of refusal, and that on the main point,—namely, security.

What then, is the security? Of special arrangements for domestic tranquillity, and barriers against foreign influence, we hear nothing—the only security is one which the constitution already provides, namely, a Protestant sovereign.

In the first place, the constitution has hitherto not thought that alone a sufficient security; but it has encircled the throne with Protestant ministers, and with a Protestant parliament. Stepping down however from that ground, yet looking prospectively to a future period, (for, in a matter of such extreme importance, we must not confine our view to the present moment) let us suppose a monarch secretly inclined to the Catholic religion, or one wholly indifferent to all religion, attached to Catholic favourites and Catholic ministers—that, in the House of Commons there were a hundred Catholic members, besides the usual influence of the crown—that there were Catholics mixed in all parts of the state, in all the powers of the government, and in high military command—backed by four millions of population, under the influence of a Catholic priesthood; that priesthood under the authority of a foreign power,—and that power, in effect, France;—would there be no danger to your ecclesiastical establishments, or your civil liberties, or rather to both?—for they will stand or fall together! Even all the arrangements and barriers that could be formed might be swept away, and the nation be involved in the horrors of a civil and religious war. It might have no resource but in resistance and revolution: If such calamities are even possible, the risk should not be run; even the risk, even the possibility, even the apprehension, would be a calamity. The nation would not passively deliver up their Protestant Church to a Catholic court, nor their civil liberties to an arbitrary government.—Let us not mistake the silence of the nation at this present moment for insensibility to this subject; still less for acquiescence in these claims. If the table of the House is not covered with petitions, it is only because the people at large think, at present, that there is no chance of the claims being conceded; but if they saw any appearance of it, the voice of the nation would probably be heard in pretty loud accents. Though the mild and benign spirit of toleration, which has long characterized our constitution, and actuated our church, has most happily extinguished religious antipathies, yet it is erroneous to suppose that the nation is become indifferent to its Protestant altars. It is anxious for their perfect security, not only from religious preference, but because they are

Digitized by Google

satisfied that with the Protestant ascendancy are intimately interwoven the civil liberties of the people.

But, it may be asked, is the exclusion then necessarily to be perpetual? certainly not—a change of circumstances may render an extension of privileges secure. The most important change is from ignorance to knowledge, from turbulence to civil and social order. The danger, in a considerable degree, arises from the great mass of the Catholics,—those in whom the physical force of the body resides,—being, through their ignorance, under the entire dominion of their priesthood. This physical force, under that influence, connected with foreign authority, and guided by the higher classes fully sharing in political power, might be applied to the most dangerous purposes; and, unless human nature itself is changed, the attempt of so applying it is probable. A participation of power between parties who materially differ upon some great principle, has never yet existed without each attempting to gain the ascendancy. This is no reflection on the Catholics. The love of power is universal. The Protestants equally possess it. They have the ascendency—they have it justly; not only by the laws of the constitution, but as being four-fifths of the population of the empire.—They use it mildly and moderately; they maintain full toleration; under their ascendancy, the greatest blessings have been enjoyed by the nation; it is their right, nay, it is their duty, not to risk the loss of that ascendancy.

But ameliorate the condition of the lower orders of the Catholics as much as possible—educate them—enlighten them—enable them to read, to examine, and to decide for themselves upon the great principles and precepts of religion;—teach them to estimate the true value of toleration, and the blessings of the British Constitution;—let them shew their change and their improvement by living in due submission and orderly obedience to the laws; then, and not till then, can further concessions be safely granted to them.

This appears to be the view, which parliament should take of the subject. It is highly desirable to come to a frank and open decision upon it; that being the most likely mode to produce quiet. Suspense only fosters discontent. The Catholics cannot but be assured that the legislature has felt the strongest disposition to give the most full and deliberate consideration to their claims; they have been repeatedly entertained and discussed; every argument which ability and zeal could suggest, have been offered in support of them.

Perseverance, however, is threatened.—Can the Catholics suppose that, upon a subject so vitally important to the best interests of the nation, the legislature will be teazed into acquiescence by importunity? still less, that it will be overawed by menace? certainly not. It is only by a reference to the reason and conviction of parliament, that they have any prospect of success to their application. Satisfy parliament that the boon can be granted with perfect safety to the constitution, in church and state, and it will be granted nearly with unanimity, almost by acclamation.

But the proof lies upon the Catholics; and that proof must be clear. The nation will not be satisfied that their constitutional liberties should be risked upon speculative opinions, and abstract refinements. The stake is too important to be ventured on a mere calculation of chances. Let the concessions proposed be stated with precision—the barriers and arrangements, which are to accompany them, be accurately set forth, and carefully examined, so as to assure us of perfect security. If that course is not pursued, where are we to stop? where can we make our stand with safety, but at the point at which we are already arrived?—Without a change in the condition of the Catholics, and without ample securities, should the Protestant circle round the throne be drawn still closer, we may, as that circle is diminishing, be carried on, even with accelerated velocity, towards a vortex, which would engulph in its abyss, the Protestant throne, the religious establishments, and the civil liberties of the nation.

Mr. *Canning* rose and said:

I have the misfortune, Sir, to be one of that description of persons which my noble friend (lord Morpeth), who opened the debate, has marked out for the peculiar disapprobation of the House, and of the country; one who, without being unfriendly to the claims of the Roman Catholics of Ireland, am yet not prepared for immediate and unlimited concession to them; and who think the present not a favourable moment for entertaining the proposal of any concession at all.—I am, at the same time, decidedly hostile to the

Digitized by Google

principle, not obscurely intimated by my right hon. and learned friend who spoke last, of now shutting the door against further concession for ever;—a principle, which must in its necessary consequences lead to the re-enactment, at no distant day, of those penal statutes against the Catholics, which once disgraced our legislation.

Being thus, Sir, one of those unfortunate persons, who stand between the extremes of two opposite opinions, and who therefore cannot hope to satisfy the professors of either, I feel myself obliged to trespass for some short time on the attention of the House, while I declare my sentiments, fairly and explicitly, upon this most important subject, which the motion of my noble friend brings under our consideration.

I regret that such a motion has been brought forward. I regret it from an apprehension, which was excited in my mind by the notice given on the first day of the session, and which the speech of my right honourable and learned friend has certainly not been calculated to diminish,—that the discussion is not at this moment likely to be attended with any chance of practical benefit.

The question of the Roman Catholic claims, which alone gives importance to this night's debate, is so mixed up with other matter in the motion now proposed to us, that it is presented in the most unfavourable point of view. A question of transcendent and permanent national interest, is blended with a dispute about the construction of an act of parliament, and about the dispersion of an assembly of doubtful legality: and it is so contrived, by this mode of proceeding, that no man, however inclined, could give his vote in favour of entertaining the Catholic claims to-night, without at the same time passing a censure upon the conduct of the Irish government.

While I lament the introduction of this motion, however, I have been somewhat consoled by seeing it fall into the hands of my noble friend. My noble friend is not responsible for the policy of bringing it forward; and even those who are most at variance with him, must concur in applauding the ability and discretion with which he has discharged the task devolved upon him. Agreeing with my noble friend in many—perhaps in most points of his argument, but differing from him as to his conclusion, I shall state the points in which we agree, with all the satisfaction that I derive from the co-incidence of my own opinion with that of a person whom I so much value; and I trust that I shall be able to state the grounds of my difference on the points in which we differ, with that temper and moderation of which he has set me the example.

My noble friend was so sensible of the disadvantage arising to that part of his subject, which he had most at heart, from its association with the transactions which occurred in Ireland in the course of last summer, that he was almost unwilling to acknowledge that those transactions had influenced him in any degree in bringing his motion forward. But as the motion is notoriously intended to embrace the conduct of the Irish government; as the affirming my noble friend's proposition in the sense in which it is offered for our adoption would be to pronounce the interference of the Irish government with the proceedings of the Catholic committee, an illegal interference; they who are not prepared for the declaration of such an opinion, must necessarily give the motion their decided negative.

I am willing to own that, individually, I should have entertained some doubts, *à priori*, whether the act of parliament, to which reference has been so often made, was intended by its framers to operate against such meetings as those of the Catholic Committee. But I must nevertheless fairly declare, that had I been in a responsible situation in the government of Ireland, and had I been advised by the law officers of the crown that such was, in their opinion, the unquestionable construction of the act, I should have felt that I was taking upon myself a most grievous and heavy responsibility, if, in defiance of such advice, I had determined to stand aloof;—to view with indifference proceedings which, if not legal, were certainly not to be countenanced or suffered;—to shut my eyes to the dangers which might possibly result from such an assembly in the metropolis of Ireland, assuming (if indeed it intended to assume) the form and character of a Convention.

Whether the information upon which the Irish government acted was or was not correct,—whether the advice which they received upon the law was sound advice,—are surely not questions to be indirectly decided by a vote of the House of Commons. A question as to the violation of a positive law, by these or by any other

Digitized by Google

transactions, would be so far from affording ground for a motion like the present, that it seems to me a sufficient answer to such a motion to show, that the matter to which it refers is in a state of judicial process. I cannot think that any thing has happened, from the beginning of the unfortunate differences between the government of Ireland and the Catholic Committee up to the present moment, which calls upon the House to act to Ireland the fearful example of an interference, on the part of the legislative authority, with the regular course of the legal tribunals.

It has been said that there are cases in which a government might act upon the bare letter of a law, yet with a purpose of vexation and oppression. Undoubtedly written law must, in the nature of things, be often lamentably deficient as a rule of moral or political conduct. But surely we are not to go into a committee to examine and scrutinize into the motives of government, so long as in their acts there is nothing legally blamable. The legality of their acts must be taken *prima facie* as a presumption of the purity of their motives—at least until, by some facts or arguments such as I have not yet heard, a strong presumption has been raised the contrary way:—and the opinions of those legal authorities which the Irish government were bound to respect,—and in defiance of which they could not have acted without incurring a most severe responsibility,—must be taken as presumption of the legality of their conduct until those authorities are over-ruled by some higher decision.

Neither would the investigation of the motives of the government be the only business of such a Committee. There is another party, beside the government, namely, the Catholics themselves, whose conduct must necessarily be subjected to the same scrutiny. If the legal application of the Convention act would not be sufficient to acquit the government of tyrannical disposition, neither, by parity of reasoning, would the legality of the Convention itself (supposing even that established) be sufficient to acquit the Catholics of an imputed disposition to turbulence and mischief. If the government might be rightly advised in respect to the law, and yet might act maliciously, in dispersing or preventing the Convention; the Catholics might, on the other hand, intend to turn even a lawful assembly to improper purposes.

I impute not such motives to either party. I do not believe them of either. I believe that the Catholics thought themselves warranted in the mode of their meeting, and proposed to meet for purposes perfectly legitimate. I believe the government to have sincerely apprehended danger from such meetings; and, it is perfectly natural that, being advised that they had the power to prevent them, they should not only have felt themselves justified in using that power, but should have thought it unjustifiable not to use it. If this be the true state of the case, there is nothing for a Committee to inquire into. If otherwise, I know not by what means a Committee would be enabled to probe the hearts of men, and search out the motives of their conduct. The transactions of the last summer therefore appear to me, not only to afford no ground for my noble friend's motion; but, on the contrary, to make such a Committee as he has proposed unadvisable, even though it had been in other respects fit to go into a Committee on the other and larger ground on which my noble friend's motion is founded.

In approaching the discussion of this larger question, I am aware that I labour under great disadvantage. The feelings and passions of men are so warmly interested on the one side or the other, that to engage in the discussion without adopting in some measure the views and language of a partizan, is, I am perfectly sensible, to incur the risk of disappointing both parties and pleasing neither. But this disadvantage I am not afraid to encounter. If I know my own heart, I come to the present question uninfluenced by any selfish motives, by any objects either of power or popularity. I wish merely to do my duty. I seek not the triumph of either party, but I look to the tranquillity, the security, and the happiness of the whole.

Much has been said, in the various debates that have taken place on this subject, of promises made, or understandings entered into, at the time of the union. Promises, I know of none; nor do I believe that any were made. An understanding there certainly was, not expressed by any act of the legislature, but fairly to be collected from the language of almost every man who spoke in favour of the Union in either House of Parliament;—that, whereas the separate resident legislature of Ireland, surrounded and agitated

Digitized by Google

by local passions and prejudices, was incompetent to discuss, impartially and dispassionately, the subject of the Catholic claims,—the imperial parliament, after the accomplishment of the Union, being removed from the influence of those local feelings, and from the sphere of those prejudices which obstructed a temperate discussion in Ireland, might safely and conveniently entertain the question, and might come to a rational and enlightened decision upon it.

That time arrived. The Union being accomplished, the question was open to discussion in the united parliament: when an obstacle arose, to the nature of which it would not be fitting to do more than allude; but of which I believe it may be said without hazard of contradiction, that, however it might impede for a time the consummation of their wishes, there is no virtuous and loyal Catholic who does not deeply deplore its removal.

Is it at this moment, when the expectations, well or ill founded, under which the Union was brought about, might be realized,—when the claims of the Catholics might at length, without impediment, be submitted to parliamentary consideration —is it at this moment that my right hon. and learned friend would break the word of promise to the hopes of the Catholics, and shut the door against their expectations for ever? I do not say that the claims of the Catholics can this day be granted. I do not say with my noble friend that this is the moment for taking them into consideration. I agree indeed with my noble friend as to the great and urgent importance of the subject; but I rather think my noble friend does not agree with me as to the magnitude of the difficulties that encompass it. But whatever doubt I may entertain as to the view which my noble friend has taken of the subject, however much I may be disposed to question whether he has considered it in all its details, and in all its bearings; I must own, that my right hon. and learned friend has done so much to simplify the question,—that if, of the two, I must agree with the one or the other, I could not refuse my noble friend the preference. If the only option were, whether we should go on at once to the extremest limit of concession, or should presently retrace our steps, retract former relaxations, and re-enact former disabilities; I could have no hesitation as to the alternative for which I should give my vote.

But in the view which I take of this great question, it is not quite so simple in its nature. It cannot, I think, be considered without reference to times and circumstances. It is not to be decided on abstract principles alone. Those principles must be modified in their application by a view of the actual state of Ireland;—of the relation in which Ireland now stands to the whole of the British empire;—and of the situation of that empire, as affected by the present circumstances of the world.

When I look to the present state of Ireland, with a great and growing population; a population growing, not in numbers only, but in wealth and intelligence; and aspiring, from what they have already tasted of freedom, to a more enlarged and equal enjoyment of privileges from which they are still excluded;—when I consider that to this situation, they have been gradually raised, from a condition wherein no class of people had ever before been placed by the laws of a Christian country, I cannot think it probable, that in this situation they should long contentedly continue. Neither can I think it wise, if it were practicable, to determine upon permanently shutting them out from the pale of the constitution.

It is admitted that since the period of their humiliation, the Catholics have disclaimed many of the tenets which were once imputed to them, and which formed the justification of that system of depression under which they were formerly holden. But my right hon. and learned friend takes what appears to me rather an unfair advantage of the good behaviour of the Catholics, and attributes it exclusively to the beneficial operation of the restrictive laws. He does not distinctly avow indeed the intention of restoring those laws; but such, as I have already said, is the course and tendency of his reasoning; and no man who follows the argument to its legitimate consequences, can doubt that this is in fact the implied doctrine of those who think with my right hon. and learned friend. The more the Catholic was restricted, says my right hon. and learned friend, the more quiet he became. This may possibly be true; but it is a truth, which, if we took it as the guide of our policy, might lead us a little too far. It seems somewhat a-kin to the old adage, that "dead men tell no tales:" for it must be granted, that the man in whom the best powers and faculties of life, civil freedom, and all the social passions, were extinguished, was likely to be quiet enough.

Digitized by Google

But does my right hon. and learned friend really think that such a system was politic? or that whatever it might have been, when justified, or supposed to be justified, by necessity, it would be politic to revive or to persevere in it now? Would he again place the Catholic in a situation in which he should not have the right of bequeathing his own property; of educating his own children; of exercising any of the rights—I will not say of a freeman, but of a manumitted slave? Would he thus undo the work of beneficence which has so honourably distinguished the present reign? For during the present reign it is, and during the latter half of it, that the Catholic has been raised from so abject a situation to his present comparatively improved, but imperfect enjoyment of civil privileges. Or does my right hon. and learned friend only think that these wise and salutary regulations, though abolished, ought not to be forgotten? that though we have partially, perhaps improvidently, removed the weight of the chain from the limbs of the Catholic, we ought to leave a link or two behind, to remind him that he was once in fetters?

But without defending, in all their disgusting detail, those numerous penalties and disabilities under which the Catholics formerly laboured, my right hon. and learned friend contents himself with asking, whether what was once so essentially necessary to the security of the state, and so conducive to its tranquillity, can now be safely cancelled as useless? For my own part, I answer that I cannot see, even in the circumstances of the past times, a sufficient apology for the past system. I cannot conceive any state of society in which such restrictions could be absolutely justified. I could not, in any state of things which my imagination can suggest, in a civilized country, among citizens of the same soil, approve of such means of producing tranquillity. I could not give my voice for the policy of propping up the state by dissociating half its subjects from the charities of human life; from the ties of kindred,—from the confidence of familiarity and friendship,—from all that endears society to man, and connects him through his family with his country. I think such a system must at all times have been as mischievous in politics as detestable in morality, however effectually it may have tranquillized the population which it proscribed.

But excuses, though not justifications, might perhaps exist in a former state of things, which do not exist now. The system itself might be defended by arguments, which do not apply to the fragments of that system, broken down and scattered as it has been in these latter times by the silent progress of events, and by the growing liberality of the legislature. The *onus* lies, says my right hon. and learned friend, on those who call for innovation, to show that there is ground for innovating, and that we can innovate with safety. The *onus* lies, it may be answered, on those who recommend the preserving, with such perverse partiality, the disjointed frame of a machine, according to their own confession no longer efficient for the purposes of coercion and consequent tranquillity. Would they preserve what they admit and regret to be mutilated, and inoperative, as matter of example, or of warning, to future ages? or as matter of pride and credit to the legislative contrivance of our ancestors? Are they anxious that posterity may be enabled to conjecture, from its remains, how formidable the force of the whole complicated instrument must have been when it existed in all its terrible perfection, and was worked with an unsparing hand?

My right hon. and learned friend and I differ in nothing so much as in this, that he views and has argued this question as if it were solely a religious question, whereas I feel it my duty to argue it in this House upon political grounds alone. My right hon. and learned friend has indeed declared (and seemed to take credit for the candour of the declaration) that he would not go into the doctrine of transubstantiation, or the adoration of saints, or other mysterious points of the Popish faith. But why did he not go into them? Because he in effect took them for granted; and argued from them without submitting to the inconvenience of proving them. I am sure I cannot undertake to follow my right hon. and learned friend, for the purpose of either confuting or confirming his construction of the objectionable tenets of the Romish church; nor does it appear to me necessary or useful to enter into that disquisition. It would be better suited to a convocation of divines, than to an assembly of legislators. When the legislature selected those points—transubstantiation, and the like—as tests, and as the foundations of their provisions against the admission of Papists into the state, it was surely not in the spirit of religious con-

Digitized by Google

troversy,—not as intending to dispute with priests and bishops upon the mysteries of their faith. It was not intended by those who originated the Catholic disqualifications, to decide on abstract points of theology. They took these articles of religious creed, as the signs of political opinion; as the distinguishing characteristics of a faction in the state, acting under a foreign influence, connected with a banished dynasty, and hostile to the government and the constitution of their country. They were the marks by which the criminal was designated, not the crime for which he was punished.

In tracing the history of the penal laws, and of the long sufferings of Ireland, some gentlemen are fond of going back to remote and almost forgotten periods; to periods when Ireland was treated as a conquered country; and groaned under all those injuries and oppressions which grew not out of religious schism, but out of political and military subjugation. I do not think it necessary to go so far back either to recount the wrongs of Ireland, or to suggest the remedy for them. As reasonable would it be to refer to the Norman conquest for grievances applicable to this country, and to complain at this time of day, of the tyranny of the curfew. But part of the way I must go back, to find the origin and object of the restrictions now under consideration:—I must go back as far as the Reformation.

Blessed as that great event was in its general consequences to mankind, and eminently so to this country, by purifying religion of the gross corruptions and abuses which had been engrafted upon it, and introducing among us that enlightened and rational system of religious worship which we now happily enjoy: yet, like all great and violent changes in the state of human affairs, it was not productive of unmixed good, but brought with it a portion of inevitable evil. It strengthened the religious principle; but it weakened throughout Europe for a time the principle of patriotism; in some cases superseding it, in others coming in conflict with it. The sects into which the nations of Europe were divided by this event, were influenced by the zeal of religious controversy, more than by the love of country. The attachment of Catholics and Protestants to their respective persuasions, was often too strong for those ties of duty and affection which bind men to their native clime. In Germany the reformed religion had to struggle against Catholic supremacy. In this country, where the doctrines of the reformation easily prevailed, the Catholics continued to feel a community of interest with the Catholics of other nations, outweighing that which connected them with their Protestant fellow-subjects, the children of the same soil. Under these circumstances, it might perhaps be necessary for the safety of the state, that the dominant sect should place the others under restrictions and disqualifications, which should exclude them from all share in the government, and from all influence, as well as power. But it would surely be idle to contend that a transitory dissension required, or could justify, a permanent and irremovable system of coercion. And it would be false in point of history, as well as in reasoning, to affirm that the religious struggles, which naturally grew out of such an event as the Reformation, must be considered as common to all times, and as arising out of causes inseparable from our nature.

It is true that in this country, and still more in Ireland, from circumstances peculiar to these kingdoms, religious dissensions raged enchained for a longer period than in many other parts of the world. But are there no instances in which difference of faith has been found compatible with strict political union? Within a few years, I believe within thirty years, after the first dawn of the Reformation, and while the rest of Europe was yet convulsed with the divisions arising out of it, the Cantons of Switzerland took the sage and generous resolution to bury all religious animosities, and to live together as Christians, without regard to difference of sect. In four of these Cantons, the reformed religion was adopted; in six, the Roman Catholic continued to prevail; in the remainder Protestants and Catholics were mixed in equal proportions: and in the Diets, in which the general affairs of the union were discussed, the two religions amicably concurred in the settlement of their common political interests. From about the middle of the 16th to the beginning of the 18th century, when there was a slight interruption to their harmony, (which interruption lasted, however, only for a period of six months), and from thence to the time when their independence was swallowed up in the all-devouring gulf of the French Revolution, did the Cantons of Switzerland continue to maintain, with this perfect religious in-

Digitized by Google

dependence, a perfect and cordial political connection.

It may be objected that however this might have been the case with states of such trifling magnitude as the Swiss Cantons, there would be a difficulty in making the application of the same principle to greater states. But what if the same might be shown of another and a larger country? What if it had existed in France itself? Let not my right hon. and learned friend suppose that I am speaking of revolutionary France; or that I, at least, am one of those whom he has described as borrowing their opinions upon this subject from the new philosophy which gave birth to that tremendous and desolating revolution.—I flatter myself that I am known too well to my right hon. and learned friend, as I would fain presume I may be to this House, to be under the necessity of defending myself against such an imputation. I speak of France in her ancient, in her most glorious times; not only when she was a monarchy, but when reigned over by the monarch whose name is the most splendid in her history, and the most cherished in the affections of mankind. I speak of the edict of Nantes, issued by Henry 4. After sixty years of almost uninterrupted struggle between the two conflicting religions: a struggle of open and avowed war, stained with transactions the most disgraceful to human nature: transactions the memory of which was calculated to keep alive in the breasts of the Protestants a jealous suspicion of treachery, and an ardent desire of revenge; and in those of the Catholics an apprehension of merited and merciless retaliation: in this state of mens minds in France, differing happily from any thing that exists in Ireland, did Henry 4 think that he could not better provide for the general tranquillity and safety of the state, than by extending equal political privileges to all religious descriptions of his subjects. Our squabble and difficulty here, is about the admission to a few political offices. Hear, Sir, what was the enactment of Henry 4, of France, upon that subject.

"ARTICLE XXVII.

"The better to unite the affections of all our subjects, as it is our intent to do, and to prevent all complaints in time to come:

"We declare all those who profess or may hereafter profess the pretended-reformed religion, capable of holding and exercising all situations, dignities, offices, and public trusts whatsoever, royal and seignorial, or belonging to the cities or towns of our said kingdom, or to the countries, lands, and lordships in allegiance to us; notwithstanding any oaths to the contrary; and to be indifferently admitted and received into such places: And our courts of parliament and other judges shall content themselves with enquiring into the lives, morals, religion, and honest conversation of those who are or may be invested with offices, as well of one religion as another; without exacting any other oath from them than that in the exercise of their charge, they will well and faithfully serve the king, and keep the ordinances such as they have been observed heretofore. And as to such of the said situations, trusts, and offices, as are in our own gift, any vacancy arising therein shall be filled up, indifferently and without distinction, by any person capable of executing the same; as being a thing which tends to the uniting of all our subjects. It is our intention likewise, that those of the reformed religion may be admitted into all councils, deliberations, meetings, and functions, which belong to the situations above mentioned, without the possibility of their being, on account of their said religion, rejected or prevented from enjoying the same.*"

---

* "ARTICLE XXVII.

"Afin de reunir d'autant mieux les volontez de nos subjects, comme est notre intention, et oter toutes plaintes a l'avenir:

"Declarons tous ceux qui font ou feront profession de ladite religion pretendue reformée, capables de tenir et exercer tous estats, dignités, offices et charges publiques quelconques, royales, seigneuriales, ou des villes de notre dict Royaume, pays, terres et seigneuries de notre obeyssance; nonobstant tous sermens a ce contraires et d'estre indifferemment admis et receus en iceux; et se contenteront nos Cours de Parlemens, et autres juges d'informer et enquerir sur la vie, moeurs, religion, et honneste conversation de ceux qui sont ou seront pourveus d'offices, tant d'une religion que d'autre, sans prendre d'eux autre serment que de bien et fidelement servir le Roy en l'exercise de leurs charges, et garder les ordonnances comme il a esté observé de tout temps.—Avenant aussi vacation des dicts estats, charges, et offices pour le regard de ceux qui seront en notre disposition, il y sera par nous pourveu in-

Digitized by Google

Such, then, was the opinion of one of the greatest monarchs that ever reigned over that or any other nation, in times when he had not barely to calculate upon possible disturbance and discontent, but to encounter open opposition. His opinion is thus practically shewn to have been, that even in such circumstances, the best course of proceeding was by conciliation. This was his notion of tranquillizing a country. Such an authority is surely not to be despised. And, however difficult it may have been found, in times of so much turbulence, to act fully up to the spirit of this benevolent edict, and to hold the balance of impartial toleration with a steady hand; yet no man who compares the period during which the edict of Nantes was in force, with that which succeeded its revocation by Louis 14, will venture to state that the system of toleration tended to cramp the energies, and blight the prosperity of that kingdom. If the reign of Louis 14 is always cited as the epoch during which the glory of the French monarchy was matured, if his court was at once the model and the terror of Europe,—it is from that period of his reign, when, under the influence of a mistress and a confessor, he repealed the edict of Nantes, and became the persecutor of his subjects, that we are to date the decline of that glory.

It is a singular fact, however, that, independently of the edict of Nantes, and even after its revocation, France was allowed to benefit by services, such as we consider as incompatible with the safety of the dominant religion. Sully was placed at the head of her councils; Turenne, Schomberg, and Saxe, were entrusted with the command of her armies.

What is it—is there any thing, which makes intolerance more natural, or more necessary to this country? Is it that a free state must necessarily be more rigorous in withholding political privileges on account of religious opinions, than a government purely monarchical? I have referred to the history of other countries to shew the unsoundness of the proposition, that difference of religious opinions is incompatible with political equality. Our own history will show, that, so far from a contrary system being absolutely natural and necessary to this country, so far from its either being indigenous to the soil; or growing out of the freedom of our constitution; our restrictions upon the Roman Catholic religion have generally originated in causes external to this country. I infer that in proportion as those causes cease to operate, the necessity of those restrictions, and consequently their justification, has become less strong.

From the period of the reformation, during the remainder of the 16th, and part of the following century, a considerable portion of the continent was agitated by wars and quarrels of religion. From the time when this country finally adopted the reformed religion, the British government lost no opportunity of expressing its sympathy with those professing the same creed in foreign states, sometimes interfering in their favour by negociations, and sometimes assisting them by arms; and it was in its turn exposed to the machinations of foreign powers of the Catholic persuasion, and to the vengeance and intrigues of the Catholic church. In this state of things the government naturally entertained a strong and just jealousy of its own Catholic subjects; and accordingly we find every attack upon the crown of England, whether by the arms of a foreign Catholic power, or by the spiritual head of the Catholic church, followed by new and more rigorous restrictions upon the Catholics of these kingdoms. In Ireland especially, where the reformation did not make its way, where it must be confessed that little pains were taken to propagate it, in Ireland, which both from the predominance of the Catholic religion, and from its being the most vulnerable point of the British empire, was chiefly the scene of foreign intrigue, and the point of foreign attack, these restrictions were multiplied and enforced with peculiar severity.

From the reign of Elizabeth downwards even to the present reign, the statute-book exhibits a series of penal provisions, rendered necessary, or assumed to be so, for the purpose of keeping down Catholic disaffection; a disaffection of which the dread appears uniformly to have increased in proportion to external danger. The

differemment et sans distinction de personne capable: comme chose qui regarde l'union de nos subjects. Entendons aussi que ceux de ladite religion pretendue reformée puissent estre admis et receus en tout conseil, deliberation, assemblées et fonctions, qui dependent des choses dessus dictes, sans que pour raison de ladite religion ils ne puissent estre rejectez ou empeches d'en jouir."

Digitized by Google

war of Philip against Elizabeth, and that which followed the revolution in 1688, were alike the æra and the occasion of new penal restrictions upon Ireland. But is it not equally true, that the abatement of external danger has allowed a proportionate relaxation in the system of internal jealousy and restraint? Was it not reasonable that it should do so? And has not the fact been conformable to the reason of the thing.

In 1685, the period of the revocation of the edict of Nantes, the shores of this country were covered, with a multitude of fugitives from France, implering asylum and protection: Fugitives of what description? Protestant clergy. Flying from what? A Popish persecution. When the spirit of Popish persecution was thus active abroad, we naturally increased our guards and securities against a similar spirit at home. In 1793 again our shores are covered with a banished clergy. Of what persuasion? Roman Catholic. Flying from what? An Atheistical persecution.—Were these events calculated to produce similar impressions? Or did they call for similar precautions? Undoubtedly they did not. And blind indeed must those persons be to the signs of the times, who would apply to cases so different the same reasoning; or act upon them by an undistinguishing and inflexible rule of conduct.

But, Sir, we did not so reason or so act. The year 1793; the period to which I have last referred, when the dissension of Catholic and Protestant appeared to be swallowed up in the wider difference between Christian and Anti-Christian:—that was the period chosen, and wisely chosen by the crown, for recommending to the legislature of Ireland, the relaxation of the penal laws against the Irish Catholics. The lesser danger disappeared before the greater: and the restraints which were no longer necessary, were properly considered as no longer just.

As much was done for the Irish Catholics at this period as perhaps could be done, while England and Ireland continued separate kingdoms. The question of admission into political office was wisely, if not of necessity, deferred till after the Union. The Union happily did away that argument from numbers, which (in my judgment) has been always as unwisely urged on one side of this question, as unfairly answered on the other. Most unwisely is it urged by the friends of the Catholics; for the boast of numbers sounds too like an attempt at intimidation: but most unfairly is it held out on the other side, to intimidate us the other way; and to induce us to withhold even what it might be right to grant, because the claimants form a large proportion of our population.

The Union, however, puts an end to the danger of this argument, without destroying whatever be its legitimate force. The numbers of the Irish Catholics, merged in the whole population of the United Kingdom, have ceased to be formidable from their relative, without ceasing to be respectable from their positive amount.

Such being the advantage derived to this question from the Union, I confess I am astonished to find, that some among the Catholics call for a repeal of the Union; and that an hon. gentleman, a strenuous advocate of the Catholic cause, has given notice of a motion to that effect.—Repeal the Union! Restore the Heptarchy as soon!—The measure itself is simply impossible. But with such a question depending in the House, I doubt how far it is possible to entertain the consideration of the present subject to any useful purpose. For, suppose the hon. gentleman to succeed in procuring the repeal of the Union; not only might it become unsafe to concede the Catholic claims at all; but in this House we could not even discuss them with propriety. This House could not presume to determine on a subject which would then belong to separate Ireland alone.

Scarcely less unfair than the use of the argument derived from numbers, is that which is often made of the concessions heretofore granted to the Catholics by the legislature. It is affirmed, that those concessions have been extorted in times of trouble and danger: that advantage has been taken of the distresses of the crown, to bring forward claims at the moment when it had no means of resisting them. Nothing can be more untrue than this statement: which proceeds entirely on a confusion between the claims of Ireland, as against England, and those of the Catholics of Ireland; which are totally different things. I will not now enter into any inquiry, whether the concessions made to Ireland in 1782, were or were not wrung from the British government by the necessities and difficulties of the times. It is sufficient to remark, that those concessions were not concessions to the Catholics, but to the Protestant parliament

Digitized by Google

of Ireland; that in the boasted adjustment (as it was called) of 1782, not one word was contained which ameliorated the situation of the Catholics, or in any degree affected their interests. So far is it from being true, that what has been granted to them has been granted to menace; that it has not, in point of fact, been granted even to supplication. Their petitions had been rejected by the Irish parliament; and the crown afterwards voluntarily came forward, and suggested to that parliament a spontaneous compliance with the prayers which it had previously refused. And to this is to be added, that in almost every statute which has passed to improve the situation of the Catholics, their uniformly peaceable and loyal conduct has been recited in the preamble, as occasioning and justifying the concession.

In looking at the nature and extent of the concessions which have thus been made to the Catholics, and at the state in which they were left at the Union, will any man contend, that the point at which those concessions have stopped can have been selected as that at which it was seriously intended they should remain? Is it not obvious upon the slightest consideration, that to have opened the elective franchise to the Catholics, and to preclude the exercise of it in favour of candidates of their own persuasion; that to have admitted them to the bar, and to exclude them from the bench, would, if considered as a permanent arrangement, be one of a most perverse and dangerous nature? But it would be perfectly intelligible that such concessions should be made by degrees; and that the consummation of them, and especially that the admission to seats in the House of Commons, should have been purposely postponed till after the Union of the two parliaments.

I protest, if I were to look upon the arrangement as permanent, I should doubt whether the seat in the House of Commons might not have been granted with less danger, than the right of voting for members, disjoined from the eligibility to serve. In the former case the conduct of the Catholic member would have been influenced and controuled by his Protestant constituents: but the irresponsible exercise of the elective franchise admits of no controul; and, powerful as the Catholics are, and growing daily more and more powerful by the growing extent of their property, how is it to be supposed that the Catholic constituents should not influence and controul the conduct of their Protestant representative? It was natural to postpone the admission into parliament till the Union, lest there should be in time a preponderance of Catholic members in the local parliament of Ireland: but as applied to the United parliament, I profess, I see no danger from the admission of Catholic members from Ireland, which does not arise in an equal, or in a more eminent degree from the power of returning members being vested in the Catholic population.

Look next to the situation of the Irish bar. In proportion as other walks of liberal profession are shut to the Catholics, must the numbers of them be greater who will naturally flock into the profession of the law. Comparing the amount of the Catholic with that of the Protestant population in Ireland, at no distant time a great proportion of the bar must be of the Catholic persuasion. There is no reason on which to presume, that the talents of the Catholic barristers will not be equal to those of their Protestant competitors; and it is in the very nature of things, that so long as the Catholic population are depressed below the level of their Protestant fellow-subjects, they should feel towards each other with the spirit of a sect, and preferably throw their business into the hands of those of their own persuasion.—I have the highest opinion of the profession of the law; a profession which has produced so many eminent men, ornaments and supports of the state; and which is generally characterized as much by liberality as by talents. But it is no disparagement of that honourable and able profession to say, that great talents are won to the support of the state by honourable expectations, and by the prospects of just reward. And if the bar of Ireland are to be *illiberalised* (if I may use that word to express my meaning,) and their views to be contracted and debased, by being confined merely to the acquisition of money, to the exclusion of any object of honourable distinction—would not the character of the bar be materially altered? And ought we not seriously to consider what might be the danger to the state from a body of such ability and influence, if an impassable limit and barrier were to be put to the hopes and exertions of a generous ambition?

They who refer to the French revolution, and justly refer to it, as a lesson of dreadful warning, would do well to consider some

Digitized by Google

of the leading principles, and predisposing causes, I will not say from which it arose, but by which the mass of the French people were prepared for it. None of these causes was more prominent, or more universally acknowledged by all thinking men, than the existence of those fanciful and artificial barriers, by which an insuperable line of separation was drawn between the higher ranks of the community, and those whose wealth, or talents and services, might raise them to acquired eminence. This line was drawn with precision, and observed with rigour; but it was drawn only in the manners and prejudices of society. Here you have established it by statute; and established it against a profession, whose daily studies are conversant with the constitution of states, and with the general principles of human society,—whose daily practice is of a nature to kindle and keep alive the spirit of aspiring ambition,—whose habits and qualities fit them to be leaders of the people.

Look forward a few years to the period when the mass of the bar being Catholic; and the mass of the business in their hands, a briefless Protestant must nevertheless be selected to fill any vacancy on the bench. Every one knows what is the reciprocal influence of an enlightened bench, and an enlightened bar; the mutual check and control of authority on the one side, and of opinion on the other. Conceive a state of things in which that check should cease to operate on one side, by the loss of that eminence which is the soul of all authority on the bench, conceive a Catholic bar pleading to Catholic juries, before judges who have been placed upon the bench, not for their wisdom but for their faith, and imagine what consequences must follow!

I do not say that this is now the case, I know it is otherwise; but I am tracing the inevitable operation, in times to come, of principles to which the concessions already made to the Roman Catholics have given life and activity. I am contending against the proposition, that the remaining disabilities can be maintained for ever. I am contending that the principles of the question are principles of expediency and of time; not fixed, not immutable, not eternal. I am contending that the condition of the Catholics, after what has been done for them, must be necessarily progressive: unless indeed you are prepared to go back instead of forward. And I ask, can you go back?

All this may be very much to be lamented. It may be unlucky that we are brought into a situation in which we cannot stand still, and in which we can neither go on nor recede with safety. I am not of that opinion: but that opinion I am not now arguing; nor am I bound to argue it. I am only arguing that such is the state of things, however it may have become so; whether by negligence, or by impolicy, or by a just and provident design. A practical statesman will take things as he finds them; and will adapt his measures to what he finds, instead of lamenting over irretrievable errors, if errors they be, and wishing their consequences reversed and undone.

Look next at your army. War is not now, as it has been in former times, an occasional and transitory evil. It must be considered, in the present state of Europe, as a permanent habit, as the very element in which this country must breathe and have its being. You have admitted Catholic officers into your army; but you exclude them from the higher ranks of it. Your army swarms with Catholic soldiers. To the Irish militia you do not scruple to entrust a part of the defence of Great Britain itself. Protestant generals, in other countries, have commanded Catholic armies. Foreigners of whose religion we take little note, may command Protestant British soldiers here. But no native Catholic is to be permitted to hold a command over his fellow-subjects, of whatever religion they may be. Can this state of things, in such a state of the world, be permanent?

I have heard, indeed, one answer to all these arguments, which, as I observed, was hailed with acclamation by some gentlemen opposite to me. It is this; that the great objects of ambition, whether civil, political, or military, from which the Catholics are now excluded, could fall to the lot only of a few of the higher classes among them: and that it is mere pretence to suppose that the influence of their disappointment and discontent can affect the body of the people. O! profound ignorance of human nature! As if the objects of honourable ambition operated as incitements only to those who may be proved by a calculation of chances to have a reasonable hope of attaining them! As if the aspiration after things too high to be within the reach of probable achievement, were not the surest pledge of excellence, even in the discharge of inferior duties! As if the single lord chancellorship, which

Digitized by Google

it is so many thousand to one that any given individual does not reach, were not yet that which fills your bar, and throngs your inns of court with multitudes of men, capable of discharging its functions! As if the removal of this single prize, though you might show by irrefragable arithmetic that it did not in fact affect the prospects of one man out of ten thousand, would not yet be felt as touching and degrading the whole! As if, when some climbing spirit having nearly reached the topmost round of the ladder of ambition, was there met by a sentence of perpetual exclusion, the crowd of his fellow-citizens, who had watched and cheered his ascent, would not sympathize in his final ill success! As if they would not feel, however little pretension they might have themselves to rise to a similar eminence and to experience similar disappointment, that it was somewhat hard upon their children, and their children's children, that they too should continue to bear about with them in their native land, a brand of natural inferiority, an inheritable and indelible stain like that of cast or of colour, not incapacitating them, indeed, for the toil of honourable exertion, but precluding them for ever from distinction and reward!

But am I therefore prepared to concede every thing that is required, to concede it without delay, to concede it without condition or limitation? No such thing. The time when the brand of disqualification shall be removed; the period or the generation in which the stain of incapacity shall be considered as worn out or washed away, I am not now pretending to define. I do not say that this is the moment: but I do say that it is utterly inconceivable to me, that any man should talk of the present as a state of things which can endure for ever; that any man should think that we are now arrived at the point at which legislative wisdom can stop, and expect contented acquiescence; that any man should recommend a vote, which is to confirm this state of things, and to extinguish the hope of any future change, as the best mode of tranquillizing Ireland.

But then the dangers of any fresh concession! the dangers of a Catholic chancellor, or a Catholic general, influenced by the Pope, and the Pope in the power of Buonaparté! What could we look for in such a case, but the subversion of the constitution, and the conquest of the kingdom?

I confess I think that those who are appalled by these terrors, do give a rein to their imagination, rather than consult their sober judgment. I think too, that under the influence of an imaginary fear, they overlook nearer and more substantial dangers.

There have been times, no doubt, when (as I have already had occasion to state) the tie of community of religion was stronger than that of a common country; when the geographer might have distinguished the divisions of the map of Europe by two colours, one denoting the Catholic, and the other the reformed religion; and when the same distinction that described differences of faith would have implied, at the same time, the respective policy, connections, and alliances of the several states of Europe. But, thanks to Buonaparte for this incidental good arising from his various acts of usurpation and atrocity; he has exalted and called into action the feelings of patriotism, and taught them to supersede that fellowship which grew heretofore out of similarity of religious profession. The different nations of the civilized world may now, as heretofore, be characterized by only two descriptions—but these descriptions are no longer Catholic or Protestant, but French or not French.

If leagues have been formed in other times of Catholic powers, against the advancement of the Protestant cause and interests, while states which had embraced the tenets of the reformed religion have combined on the other hand to reduce the pretensions of the ancient and corrupted ecclesiastical establishment; let us see how far the distinctions, founded upon religious differences, would apply to the existing state of the world. What is in this respect the conduct of Buonaparte, the sovereign of France, the successor of Charlemagne, the eldest son of the church? Is his a Catholic league? Is it only with Catholic sovereigns and Catholic states that he forms his connections, or to them alone that he extends the benefit of what he calls his protection? Look, I say, at the map of Europe: see Lutheran Saxony, knit to him in alliance: see Germany, whether reformed or Catholic, portioned out at his will: see Protestant Denmark waiting on his nod, and Protestant Sweden shrinking at his frown; see Calvinistic Holland swallowed up into his empire; Calvinistic Prussia trembling at his footstool; and

Digitized by Google

Uncatholic Russia struggling in his toils! Yet there are those who seem to think, that the power of the Pope is, after all, the formidable part of the great confederacy which Buonaparte has thus arrayed against us;—who, amidst a combination thus extensive, thus violent, and held together by principles with which religion (it might be thought) has very little to do, can see no real dangers, against which we have to guard, but in the debates respecting the concordat and the liberties of the Gallican Church;—there are those who apprehend that, weary of ordinary warfare, Buonaparte is about to substitute the thunders of the Vatican, for those of the mere mortal artillery, by which he has shaken and subjugated Europe;—that after exhausting all terrestrial means of attack, he waits only for our consent to the Catholic petition, to resort to a spiritual assault; to call in the aid of bulls and indulgences, and the other machinery of ecclesiastical hostilities;—

Quicquid habent telorum armamentaria cœli!

There is, however, one remarkable circumstance in the present state of Europe, which might suggest to the most timid and awe-stricken observer of superstitious indications, a doubt at least, whether the principle of religious antipathy be indeed so busy in the world at this moment as he imagines: whether this league of almost all the Protestant states of Europe with France, be indeed directed to the express object of subverting the Protestant religion in this country, and imposing upon us a Catholic hierarchy, and a Catholic sovereign. In one corner of Europe, and in one alone, there exists a spirit of resistance to France; and this—singularly enough, and as if for the express purpose of banishing all notion of religious difference from the quarrel—exists among nations the most bigoted to the Roman Catholic faith of all the nations of Europe, namely, among the inhabitants of the peninsula. They are precisely the people who most steadily, sincerely, and bravely have opposed themselves to Buonaparte's schemes of conquest and dominion; an opposition quite unintelligible, if this be really a religious war. What? shall it be in the kingdoms the most abjectly submitted to the Papal authority,—in the strong holds of the inquisition itself shall it be, that the standard of rebellion to the Pope, acting (as we are taught to apprehend) through the instrumentality of Buonaparte, shall be raised, and raised with impunity?—And yet shall we be gravely told, that, in the name and authority of the Pope, Buonaparte will wrest Ireland from Great Britain?—If the Pope can conquer for Buonaparte, why does he not conquer the Peninsula for him? Why is Spain yet upheld by Protestant alliance, and Portugal yet sheltered by heretical arms? A breath of the church, a nod of the tiara, should surely dissipate this unnatural, this anti-catholic combination.

Fortunately, Sir, in this instance we act more wisely than we reason. We do not distrust the disposition of the nations of the Peninsula to oppose a stout resistance to the French power, because that power is predominant over the Pope, who is in his turn undeniably predominant over the spiritual concerns of those nations. Not but we know very well that the times have been, when that circumstance would have been of great importance and effect in the success of the war: but we know that those times are past—past for every country upon earth, it seems, except Ireland:—and, in the name of common sense, why not for Ireland too?

Well and wisely have we done, in uniting ourselves to the cause of those gallant and oppressed nations; wisely for our own interest as well as for our glory. The page which records our efforts in the peninsular war will be among the brightest in our history. But strange indeed, and perplexing will be the duty of the historian, who shall have to blend with those annals of courage and renown, a faithful relation of the fears which prevent us from entertaining the petitions of the Irish Catholics; who shall contrast the jealousy and suspicion with which we regard the population of Catholic Ireland, with the fearlessness with which we pour forth that population in the just cause of Catholic Spain.

It would really seem as if the mighty perils with which we are surrounded, had confused our sense of the real nature of our danger. Our danger is from a mighty deluge which threatens to overwhelm us:—but we are crying "fire!" as two centuries ago. The convulsions of the earth have diverted into a new channel that stream which formed the line of demarkation between the different denominations of mankind:—but we stand

Digitized by Google

hesitating on the brink of the ancient channel, which is left dry; and fancy it still impassable.

But any farther concessions to the Catholics of Ireland, it is contended, will lead to the overthrow of the established church, and therewith to that of the civil constitution. In this part of the argument it must at least be admitted that the *onus probandi* lies with those who make the assertion. By what means, through what process, is this extensive mischief to be effected?—Surely those who have so clear an apprehension of the danger, can in some degree define the mode in which it is to be brought upon us.

The bulk of the Catholics are ignorant and unenlightened, says my right hon. and learned friend, and are under the influence of a priesthood, who are subservient to the Pope.—Well: but the power of an unenlightened and ignorant multitude consists in physical force. How will that be increased by the admission of some of those who would naturally be looked up to by the multitude as their leaders, into the advantages of the civil constitution, into the offices of the state, into magistracies of the law, into seats in parliament, into commands in the army?—But the danger is said to be in these very admissions. Well: then, it must be a danger of a different sort—a danger not of force, but of reason—a danger that the Catholic minister will win over his colleagues, that the Catholic colonel will seduce his regiment, that the Catholic member will persuade this House to countenance and bring about this fundamental change in the constitution. Is it in this way that the mischief is to be effected?

My right hon. and learned friend professes not to enter into the particular doctrines of the Roman Catholic Church, nor even to impute in these days, to persons of that persuasion, the wicked and pestilent tenets which our oath of abjuration disclaims. On what principle then are the fears of my right hon. and learned friend founded? for surely it was in reference to those tenets that the precautions against the admission of Catholics into the state were framed.

It is most true that the Catholic Religion, where predominant, is itself of an intolerant character: but although that be so, it does not follow in theory, nor is it true in fact, that in states not Catholic, that under Protestant establishments—the Catholics have been found intractable and turbulent subjects. But if such attempts should be made as my right hon. and learned friend apprehends, how are they to be met? By reason: and if that should prove insufficient, by force. It would be presumptuous in me to recall the attention of my right hon. and learned friend (skilled as he necessarily is in that branch of history far beyond any knowledge of it that it can have fallen to my lot to acquire) to the history of the primitive Christian Church, before it became civilly and politically established, before it attracted the protection, and mounted the throne of the Cæsars. Yet in looking at this question as a question of reason, it is not immaterial to observe, that the pretension to exercise, or to share the sovereign authority, is not one which the history of the Roman Catholic Church would authorize it to put forward as essential to its existence.—Reason, to be sure, avails little against force; but here force and reason would be on the same side. And, should the Catholics be wicked enough as well as mad enough to attempt the establishment of their religion as the religion of the state, the attempt must be met and defeated by the same means which would be used to suppress any other mode of rebellion. Let it not be forgotten, however, all this time, that the question is not whether we shall now begin to give to the Catholics any rights, influence, and power; we have given them the means of acquiring a great moral force in society; and the question now is, whether we can annihilate the force that we have bestowed? and if not, whether we should not do wisely to reconcile them to the legitimate use of that force by assimilating it to the civil constitution?

I confess, Sir, that though I despise not any fears which good men and wise men, like my right hon. and learned friend, profess to feel, I cannot contemplate the Church of England with all her piety and learning, with all her just influence, her honours and endowments, and yet apprehend that she wants strength to defend herself! This is not the time nor the place to inquire what are the real dangers to which the Church of England is exposed; but I think, that whatever they may be, they exist in very different causes, and in very different quarters from those against which we are now so loudly called upon to guard. Not but if any danger be apprehended to the Church of England, from whatever quarter, I for one,

Digitized by Google

—and this House—and this country,—will be ready to come forward with the most strenuous exertions in her support; a support due to her from the love and veneration of all to whom she administers consolation and hope—due even from sectaries themselves, to a church which, nursed in persecution, herself learned mercy; a church which, purified and consecrated by the blood of martyrs, has learned to extend toleration to all conscientious dissent; a church riveted in the affections of so large a portion of the community, and inseparably allied with the state, which she sanctifies and guarantees! Such a church may surely bid defiance to any dangers with which the change of the civil state of the Roman Catholics,—from what they now are to what they aim at being,—can possibly be supposed to threaten her.

But I repeat, the *onus probandi* lies on those who affirm the church to be in danger.—One point, and (so far as I recollect,) one only, has been distinctly specified by my right hon. and learned friend. The Catholics would seek to avoid the payment of tythes to the Established Church, or even to obtain them for themselves. Now I venture to flatter myself, that I can set my right hon. and learned friend's mind somewhat more at ease upon this point. Presuming his alarm to be—not that the Catholics will try to get tythes or any other species of property by force; (in that case, as I have said, force must be met by force; and that case might arise just as well to-morrow as after the repeal of all the remaining disabilities)—presuming my right hon. and learned friend's alarm to be, that after admitting them into civil office, after taking off the bar and brand of religious incapacity, it will be difficult in point of argument, to insist upon their continuing to pay tythes to the Protestant Clergy—if this be (as I imagine) the nature of my right hon. and learned friend's difficulty, I really flatter myself that I can in a great measure relieve him from it. I turn once more to that splendid instrument of Catholic toleration to which I have before referred, the edict of Nantes; and close to the article which I before read, (admitting those of the reformed religion to all offices civil and political,) I find the following enactment with respect to the payment of tythes.

"Article XXV.

"We will and command, that all who profess the pretended reformed religion, and others who have adhered to their party; of what estate, quality, or condition soever, be held and constrained by all due and reasonable means, and under the penalties contained in the edicts already in force on this subject, to pay and discharge the usual tythes to the curates and other ecclesiastics, and to all such to whom they may properly belong, according to the usages and customs of the different provinces."*

I think the Catholics will have no reason to complain if the edict of Nantes be taken as the measure and mode of Protestant concession to them: and my right hon. and learned friend sees that, after that model, he has nothing to fear for the tythes of the Established Church.

Another point upon which my right hon. and learned friend has much insisted is, the want of the security to the crown, arising from the refusal by the Catholics of the proposed *veto* on the nomination of their bishops. Certainly, it may be matter of consideration, whether this would not be a reasonable and proper security; and if so, whether it might not yet be obtained. In Russia, much more than a negative on the nomination of the Catholic Bishops, by agreement (as I believe) with the Court of Rome, is exercised by the emperor, the nomination is actually made by him. The emperor appoints the bishop, and recommends him to the Pope for consecration and ecclesiastical institution, which are never refused. I know not what could be the pretext for withholding the same thing, if thought necessary and desirable here.

But I own it seems to me a great error to look at this question as if it were to be settled by a tedious and intricate negotiation between parliament and the Catholics, as between two hostile powers. That is, in my view, not the just notion of what ought to be an act of legislature. The

* "Dixmes. Art. XXV.

"Voulons et ordonnons que tous ceux de ladite religion pretendue reformée et autres qui ont suivi leur parti, quelque estat, qualité ou condition qu'ils soient, soient tenus et contraints par toutes voyes deues et raisonnables et sous les peines contenues aux edicts sur ce faits, de payer et acquitter les dixmes aux curez et autres ecclesiastiques et à tous autres à qui elles appartiennent selon l'usage et coustume des lieux."

Digitized by Google

executive government must necessarily arrange the details of the measure before it is recommended to the deliberation of parliament. It is, therefore, that I do not think it necessary or useful to enter here into any discussion, as to what might or might not be the proper securities under which any farther concession might be made. Such discussion could only tend to embarrass and render more difficult the task of the executive government, just as the previous suggestion and examination of the terms of a treaty of peace in this House, would embarrass the subsequent arrangement of the articles of that treaty out of doors.

I hardly know whether it be necessary to say a word upon the claim of right, as set up, or supposed to be set up, by some vehement and wrongheaded friends of the Catholics, a claim utterly untenable, and one which, like the question of the repeal of the Union, hardly admits of being made matter of argument. It is not at this time of day to be made matter of dispute whether there exists a paramount right and duty in the supreme power of a state to provide for its own conservation. The question is not whether it be competent to parliament to defend the constitution by excluding from political office any class or description of persons who could not be admitted without danger; the point in doubt is not whether parliament has the right to continue the disabilities, but whether or no, the causes in which they originated having ceased to operate, it might not be expedient to strengthen the constitution, by admitting four millions of men to a participation of its benefits, and to an interest in its security, rather than to continue an unnecessary guard against the shadows of past dangers. As to the mode and conditions of their admission, parliament is to judge. Let those conditions be as carefully contrived as the wisdom of man, as the jealousy of establishment can desire. Whatever they shall be, let parliament annex them to the boon, and then let those to whom the boon is offered, be left to accept or reject it, accompanied by these conditions.

But I do not think that it is in a Committee of this House, such as is proposed to-night, that such a measure can most beneficially originate. The Catholics themselves do not appear to be of that opinion, for they have announced their intention of waiting till the expiration of the restrictions upon the Regent, and of then framing and carrying up a petition to the throne. In this they appear to me to act judiciously. It is by a recommendation from the throne that they have received nearly all the benefits that have been conferred on them during the course of his Majesty's reign. In the delicate and complicated circumstances of a case involving so many interests and so many prejudices, and so much detail of consideration and arrangement, the executive government is alone adequate to prepare and introduce a measure calculated to answer the great object in view. A measure so prepared would be brought in the most convenient and expedient manner before this House; where it is obvious that questions requiring so much delicacy of management cannot be advantageously discussed in all their detail. The retractation of the offered Veto is a sufficient proof of this proposition. The intention is avowed of petitioning the throne: how that petition may be received, no man is authorized to conjecture: yet there are not wanting grounds of hope to the Catholics, that it may be received favourably: in such circumstances the warmest friend of the measure might have allowed time for making the experiment, and have refrained from bringing the matter before parliament, either to intercept the coming grace of the throne, or to anticipate a disappointment, which I know not what right we have to presume.

No man can be ignorant of the prejudices existing in many classes of the community in this country against the concession of the Catholic claims. I can entertain no doubt that these prejudices will be gradually overcome by reflection and reasoning: because I have the strongest conviction that reason is on the side of the concession; and with time in this country reason always makes its way.

But nothing could tend more effectually to soften these prejudices than to see the question in the hands of the executive government, and as it is one which, in the present state of the world, cannot be put altogether aside, I do most earnestly hope that those to whom the conduct of the executive government may be committed, be their individual bias what it may, will feel it a duty to look at this question in all its detail and in all its bearings, but to look at it in all its magnitude also, and forthwith to set about the digesting such a plan as may bring it into a practical shape for equitable and final consideration.

Digitized by Google

The obstacle which existed to such a consideration on the part of the government, and which I am not ashamed to say I respected, and would have continued to respect, so long as it existed in full force, and which I think the Catholics themselves ought to have respected, in gratitude for former benefits, in consideration of the age, the sufferings, and the virtues of the venerable and illustrious personage to whom I allude, and in deference to those conscientious scruples, which the Catholics, claiming for themselves full liberty of conscience, are the more eminently bound to respect in others,—that obstacle, I say, being now unhappily no longer in the way, the government (in whatever hands it may be settled) has, in my opinion, no longer any ground or any excuse for leaving this great question loose, to be agitated at the suggestion of whoever may think fit to make a motion upon it. They ought to take it into their own hands. It is, if ever there was one, a question of vital interest to the safety of the empire.

That this opportunity may be afforded to the executive government, I would say to the Catholics, "do not press your claims at the present moment;" and with the same view, I should have most earnestly wished that my noble friend's motion had not been this night brought forward. I know how little I am courting popularity by these declarations. I make no professions of exclusive partiality. I wish well to the Catholics, as a part of the population of the empire. I wish the question at rest, not in the way of victory, but of conciliation; not by a forcible constraint upon the honest prejudices of Protestants, but by the removal of them: and to that removal I confidently look, if the subject be brought fairly before the country, and if the conduct of the Catholics themselves be temperate, prudent, and conciliatory.

I not only do not concur in, but I really do not understand the doctrine which my right hon. and learned friend laid down at the conclusion of his speech, that the admission of the Catholics into the offices and situations from which they are now excluded, is absolutely forbidden by the constitution. How is this more true now, than it was true in the year 1793, that the constitution then forbade their admission into the privileges that were then conceded to them?

The constitution of this country is not, so far as I have been taught to understand it, a code written out fairly in one book, and struck out at one heat like the revolutionary constitutions of modern France. The constitution, as established at our revolution, is what the constitution was, in principle, before that revolution, with such additional safeguards, and securities for the laws and liberties of the country, as the attacks which made that revolution necessary, and the dangers which followed it, suggested and prescribed. Our revolution was not the erection of a new frame and theory of government, but the vindication and renovation of ancient laws; the assertion of ancient franchises; the confirmation of ancient and undoubted privileges and liberties; established long ago, and established, many of them (be it remembered,) by the wisdom and patriotism of our Catholic ancestors.

Nor is it at all more true, that many of the most disgraceful exclusions, and most goading and penal provisions against the Catholics, were in fact the work of the revolution, or even contemporary with it. Reign after reign, from the revolution to the accession of his present Majesty, teemed with more and more severe enactments for keeping down the Catholics in Ireland. Of these enactments, many have been in the course of his Majesty's beneficent reign repealed. How is it then, that what remains of them is fundamental to the constitution? Is it on account of the date of their enactment? Show that they are all of the date of the revolution. Or it is on account of the date at which their repeal is proposed?

This then is an objection which applies universally to the whole Catholic code, as it stood before the relaxation began, if it applies at all. And who is the man bold enough to say, that the Catholic code, as it stood fifty years ago, was an essential and fundamental part of the British constitution?

I cannot think, Sir, that the British constitution is of this close, narrow, and exclusive character. Much rather would I describe it as of a capacity to admit and embrace all those who, born in the British islands, prove themselves sensible and worthy of its blessings; as inviting all the sons of the soil, whether of Great Britain or Ireland, into the shelter of its protecting arms:

Pandentemque sinus, et tota veste vocantem
Cæruleum in gremium.

This is the result to which I fondly look. Were the present motion calculated to hasten that result, it should have my hearty

Digitized by Google

concurrence. But thinking it, for the reasons which I have stated, much rather calculated to defer any such result, by mixing the great question to which it in part refers, with circumstances of temporary and I hope transient irritation, I must give my vote against it.

Sir *J. Nicholl*, in explanation, disavowed any wish to re-enact the restrictions from which the Catholics had already been relieved. So far was he from entertaining any disposition of that nature, that, were such a proposition made, it would meet with his decided opposition. Nor had he, as represented by the right hon. gentleman, intimated any conviction that the exclusion of the Catholics should be perpetual; and he really thought that, in his original speech, he had sufficiently guarded himself from such a misconception.

Mr. *Canning*, in explanation, admitted that the right hon. and learned gentleman had, with respect to the first subject, sufficiently guarded himself in words from the imputation of being favourable to the re-enactment of the restrictions on the Catholics; but his argument certainly tended the other way. He was happy, however, that the right hon. and learned gentleman had an opportunity afforded him of distinctly disclaiming any such disposition. With respect to the other point, he had certainly misconceived the right hon. and learned gentleman through the whole of his speech; for he had decidedly understood him to say, that in his opinion the time would never arrive for granting to the Catholics a participation in the rights of their fellow subjects.

Mr. *Hutchinson* said, he considered it necessary to offer an apology to the House for presuming to address them, after the brilliant and eloquent speech of the right hon. gentleman who had just sat down. Indeed, he should not have ventured to address them that evening, if he had not been particularly called upon to do so, from the pointed manner in which that right hon. gentleman had thought proper to allude to him. And he thought on that account he was not altogether making an unreasonable request to the House, when he solicited a few moments attention from them. He was neither surprized at the speech of the right hon. gentleman, nor at his conclusion. It was not the first time he had heard that right hon. gentleman make a most brilliant display of talents, and conclude that display with a declaration of his intention of giving such a miserably bad vote. He declared he knew no man more distinguished in that way than that right hon. gentleman; and in following him through his long speech, he really did not know whether he ought most to admire the brilliancy of his talents, or to lament the prostitution of them; for he could not but call the employment of great talents in a bad cause, prostitution,—the employment of those talents to produce bad and wicked impressions, (cries of Order). He confessed that one doctrine introduced by that right hon. gentleman was entirely new to him, and that was, that if any member chose to give notice of a motion on a question of great public importance, that that motion was not to be argued, but was at once to be pronounced upon. On that question, however, he was not afraid of meeting him, when it should come to be discussed. But with what propriety did the right hon. gentleman take upon him to be his lecturer upon this occasion? Was he, who composed a part of that administration who violated their promises to the people of Ireland, to stand up and abuse any gentleman who might presume to urge the violation of that solemn compact? Certainly it suited him, of all men, the least, to come forward and arraign any member for his presuming to state to the House that the solemn compact of the union had been violated. So far from courting the approbation of the right hon. gentleman, in any measure he might think proper to bring before the House, he should really think he had not discharged his duty, if in any case it had met with his decided approbation. The right hon. gentleman seemed to have seen the claims of the Catholics in a new light that evening; for in all the debates on the Catholic question before, he had thought proper to preserve an inviolable silence. But so inconsistent was he, that while he made a most brilliant exertion, his vote went to negative his argument. The right hon. gentleman had thought proper to say, that he would give his negative to the present motion, because it went to condemn the Irish government. Admitting that that government had had law on their side, he would say, that they had taken the most effectual means of inflaming and disaffecting the Irish people. But he had heard from the first law authorities in this country, that the government had really acted quite contrary to the law. The system of sending delegates was the natural conse-

Digitized by Google

quence of what had been so often stated in parliament, namely, that those friends to the Catholics who brought forward their petition, did not speak the sense of the Catholic body. But from the late powerful and strong expressions of the sentiments of the Catholics, it would be found that they had been speaking not the sentiments of a faction, but of the Irish people in general—the expression of united Catholic feeling. It appeared, however, that the government of Ireland were determined to stifle that expression of feeling. The right hon. gentleman had thought proper to allude to him, as representing in a peculiar manner the Catholics. He wished to inform him that he had never arrogated to himself any such distinction, and that he was the representative of as respectable a Protestant constituency as any in Ireland; but he wished him not to think that when he said this he was ashamed of representing the Catholics. He would tell him that it was his pride and his boast that he had the confidence of the Catholics. He would not at present enter into the particulars of the Catholic claims, however impressed he was with the justice of those claims, and that there could be no safety to the state till the Catholics received unqualified admission into the constitution. He differed from the right hon. gentleman with regard to his character of the Irish peasantry; for he contended that a more learned, enlightened, and liberal peasantry did not exist than those of that country, and this assertion of his with respect to them, proved only, that he, who claimed a connection with that country, was, like many others of his countrymen, but very ill-informed with the state of it. He would conclude by saying, that the ministry, by their infernal machinations, had been the means of causing the Prince on the throne to be generally reprobated, and of lowering him in the love of his subjects, and in so far might be said to have been guilty of the most diabolical machinations. He advised them to beware of continuing such measures as might inflame men to seek in desperation for a reparation of their injuries in revolution; for in the hour of revolution, every wise, honest, and conscientious man would tremble, and every wicked man rejoice. God forbid, however, that they should ever live to see such times!

Mr. *Peel* thought there was little of conciliation either in the motion of the noble lord, or the speech of the hon. gentleman who had just sat down. The motion embraced two objects; namely, to canvass the conduct of the Irish government, and the claims of the Catholics. The first of these he was of opinion could not be entertained without its being shewn that some offence had been committed; and with regard to the second he agreed with the right hon. gentleman (Mr. Canning) that the preferable and most expedient mode of procedure would be, that which the Catholics had chalked out for themselves, a Petition to the crown. With regard to the vote this night, it was impossible to come to it without having reference to what had passed among the Catholics during the last six months. Before the House consented to grant their claims, they ought to see in what manner they were likely to exercise their power when acquired. Then what necessity could be shewn for a meeting to such an extent as the Catholics had projected? Was their Petition so new a subject as to require such numbers? Were their grievances so hidden in the earth, or the redress they sought so complicated, as to need such an assemblage of peers and peers' sons to make them out? But, said the hon. gentleman, they did this to shew that they spoke the general sense of the Catholic body. Did parliament ever doubt this? Certainly not. They doubted, to a certain degree, that the number of Catholic soldiers or sailors would be enhanced by the door being opened to a few peers; but they never could doubt that every Catholic would be ready to sign a Petition claiming political power to that body. Were the House, then, prepared to say, that the Irish government was wrong in resisting this act, and that the Catholics were right in resorting to these illegal means of enforcing their claims? And this must be the consequence of agreeing to the proposed motion. In his opinion, the greatest friends of the Catholics, even those who thought them entitled to unqualified emancipation, as well as those who thought conditional security necessary, must vote against the motion. Indeed it was strange that the noble lord should have risked the support of so many of their friends.—The hon. gentleman went on to argue, from lord Grenville's Letter, that that noble lord and his friends must give it their negative: for that noble lord had insisted on the necessity of maintaining the church inviolable, and had even opposed the presentation of a petition, praying for the appoint-

Digitized by Google

ment of a Committee, as now proposed, on the ground of the indisposition of government, and of the difficulties arising out of the Veto. Although he would not accuse that noble lord of a pertinacious adherence to his opinions for years, yet he could not believe that twenty months could create such an alteration as to induce him now to vote for such a Committee. What was the real state of the question? The law laid down certain securities for the Protestant interests, with which the Catholics were dissatisfied, and called for a concession of the whole, accusing the Protestants of throwing trifling obstacles in their way; while, on their own part, they would not concede even the very little they had in their power They, on his side, were accused of intolerance; and when they referred, to shew the contrary, to the concessions made in 1778, 1782, and 1793, the Catholic advocates turned upon them, and said, "For these very reasons you are bound to grant us more." But would they tell them where they were to stop, and not ask to be admitted to power without those oaths which were deemed necessary to bind every other description of the subject? It was said, you have given them the reality of power in the elective franchise, &c. and why do you refuse them the semblance? To this he would reply, that it never was foreseen by those who framed these measures, that such an argument could have been raised upon them; and that instead of being satisfied with the boons for their own value, they should only be considered as the grounds for further claims and more extended pretensions. He would mention one point more relative to religious prejudices. It had been charged to gentlemen on his side of the House, that they had raised the cry of No Popery; and a most serious charge it was, although altogether unsupported. But he would ask, on the other hand, whether or no pains had not been taken to inflame the passions of Catholics? And whether Liberty of Conscience had not been made the watch-word of a party? In giving his vote, however, on the present occasion, he would by means pledge himself with regard to the Catholic question, but merely give his negative to a motion which, in the present instance, was at least unnecessary.

Lord *George Grenville* said, that in giving his most hearty consent to every principle so eloquently illustrated, and to every argument so ably enforced, in the speech of the noble mover, he could not but express his sincere joy at the circumstances under which the question itself was brought forward. He rejoiced at seeing a proposition laid before that House, which would again bring under its contemplation, and that of the country, a subject, which he was sure the oftener it was discussed would be the nearer its attainment. I am convinced, said the noble lord, that, by the intercourse being uninterruptedly maintained between the Irish Catholics and this House, it will establish a mutual confidence between them, it will give additional weight to their claims, and it will give the surest earnest to the country of their intention, to pursue, firmly, moderately and legitimately, the great object they have in view. And this effect seems already in part to be produced. A right hon. and learned gentleman (Sir John Nicholl) who spoke early in the debate, seemed to take for granted a conviction on the part of the people of the impossibility of the Catholic claims ever being granted, and referred as a proof of his assertion to the absence of all Anti-catholic Addresses from your table. I will inform that right hon. and learned gentleman, that he will not have the nakedness of that table long to complain of. It is at this moment, I believe, matter of notoriety that petitions in favour of the admission of the Catholics to a participation of rights with themselves, is even now, every hour, and every where in Ireland, receiving the signatures of incalculable numbers of the Protestant population of that country, clergy, as well as gentry and freeholders, (Hear! hear!).

I rejoice at this period being fixed for the discussion of such a question. First, because the Irish Catholic will see that, from the new shape the question has assumed, the united parliament is disposed to watch with tenderness and anxiety over his interests, without being as it were forced to the discussion of them by a petition being brought up to your table; and, secondly, because that circumstances of time, circumstances of event, but above all, because the conduct of the Irish government itself have now rendered the interference of parliament imperatively necessary. And what has the conduct of the Irish government been? It saw a spirit, and I should be tempted to say a most noble and praiseworthy spirit, spreading itself throughout Catholic Ireland; a spirit, however, which they conceived, or

Digitized by Google

affected to conceive, dangerous to our establishment in that country, both of church and constitution. And how did they attempt to subdue or to destroy that spirit? I will not now enter into any discussion upon what I should be tempted to designate as at least, that very questionable instrument in the hands of government, the Convention Act. I will not ask, whether at its enactment it were capable of those objects for which it was enacted, nor still more, whether it were now capable of those objects for which it has been revived, and to which it has been applied. But certain I am, that for enforcing its power, and bringing it into action, the Irish government has placed its enforcement in the hands of the one person who, officially, was, of all men in Ireland, the most improper for it. I mean the lord chief justice of that country. I will not ask, whether in point of fact the placing the lord chief justice of Ireland in the situation, and into the functions of a police magistrate, were or were not a degradation and a misapplying of the high office he holds in that country; but I will say, that the putting him forward at such a moment, as a police magistrate, was a most absurd and wicked measure; aware as the Irish government must have been, that the Catholic, resolved as he was to persevere in the object of assembling to prepare a petition to parliament, would have rested the legality or illegality of such meetings upon the decision of a jury, it was thought fit to place the lord chief justice in the public predicament of being brought forward, as a delinquent, into his own court, at which he ought to preside, but upon whose bench, under such circumstances, he, of course, could not even have attended.

And what has, on the other hand, been the demeanour of the Irish Catholics? And I will say that, looking at the conduct of the Irish Catholic from the first period of the annunciation of the intended enforcement of the Convention act, which I date from the period of the Irish Secretary's letter, down to this moment, I cannot but contemplate it as having been such as would have ennobled the brightest page of the political history of our country. We have seen him standing forward, strong in the conviction of his power, and, I should say, strong too, in the justice of his cause, against the petulance of a government, whose violence seems to have kept pace with its impotency. We have seen him, with the law in his right hand, the firm assertor of a religion, which he believes to be the right one, which he knows to be the oppressed one, resting his cause upon what he conceived its own intrinsic claims to respect, and entrusting his own fate to justice and to his country. "Methinks," says Milton in an address to parliament on the subject of unlicenced printing, some time ago quoted upon a different subject by a noble lord now in the other House, "Methinks I see a great and puissant na-"tion rousing herself like a strong man "from her sleep, and shaking her invin-"cible locks. Methinks I see her purg-"ing and unscaling her long abused sight "at the fountain itself of heavenly ra-"diance. Whilst the whole noise of ti-"morous and flocking birds, and of those, "too, who love the twilight, flutter about, "amazed at what she means, and, in their "envious gabble, would prognosticate a "year of sects and schisms." (Hear! hear!)

Such, Sir, and in such power, do we now see the whole Irish nation arising from slumber. We now, indeed, see the Irish Protestant clearing from his long abused sight the films of prejudice which long overhung it, and standing forward, at once the champion and the advocate of his Catholic fellow-subjects. Why, Sir, to the Irish Roman Catholic, in such a cause, success would indeed be joy, while failure cannot be disgrace. Failure cannot be disgrace, because he will have looked round him, and will have seen much of the talent, much of the integrity, and much of the real political influence of his Protestant brethren at once the patrons of his hopes, the champions of his cause, and the partners of his defeat. And is this the bond which the Irish government has ever believed that it can either disunite or destroy? And how? By the revival of a long dormant and originally questionable act, and by the publishing a circular letter from Mr. Pole to the chief magistrates of the country! Why, it is indeed a giant whose arms you have bound with this thread—a thread, which may indeed gall and irritate him, but which cannot coerce his strength for one moment, after he himself shall have chosen to exert it.—The Irish government is now contending, not with the Irish Catholics, but with the Irish people; she is no longer raising her standard against a sect, but against a nation!

Digitized by Google

It is a principle on which I believe I shall scarcely be contradicted, that, before we can make it up to our own minds to oppress, or even to suspect, any man, or body of men whatever, we ought at least to ask ourselves whether we do it under any apprehension of immediate and great evil, or whether we have any hope of good resulting from such a system. And let me ask the right hon. gentlemen opposite, his Majesty's ministers, under the influence of what possible apprehension, or with the hope of what possible advantage do they still pertinaciously adhere to a system which has long been the characteristic disgrace of what has been called their government?

The right hon. and learned gentleman (sir John Nicholl) in his speech seemed to apprehend much danger from what he termed the introduction of Catholic ambition into this House. Why, Sir, is that right hon. and learned gentleman not aware that there exist other dissentients from the established church besides Roman Catholics?—Nay, is he not aware that he is, at this moment, surrounded by dissentient members in every part of the House?—And does he really go so far as to say, that he has detected his dissenting friends in the habit of making, as he terms it, religion a stepping stone to power, of substituting polemical controversy, for parliamentary discussion? The right hon. and learned gentleman seemed again to rest much of his apprehension upon this question; "Is the Catholic religion changed since the period when the penal statutes against it were enacted?" As a political profession, Sir, Popery is most materially changed. We have heard much of the canon of the Council of Lateran, which gives the Papist a power of departing from his oath when pledged to a heretic. Does the right hon. and learned gentleman then, in the teeth of the written and specific disavowal of six Roman Catholic Universities, still believe that the Roman Catholic adheres to a profligate canon, which every Catholic from one end of Europe to the other has repeatedly, through every organ of his faith, denied, and which he revolts from, and laughs to scorn, as much as the right hon. and learned gentleman himself can. If he really and sincerely believes in this cause of apprehension, the right hon. gentleman may take up every oath from your table, and burn them one after the other, for they are no longer any safeguard against the encroachments of Popery. If such a position be true, the Roman Catholic may at any moment walk into this House, swear to every one of them, take his seat, and vote in the united parliament; if false, on what rests our alarm? The right hon. and learned gentleman again testifies much apprehension at what he terms the physical force of four millions of Irish papists: why, Sir, if you are afraid of them, you have either done too much, or too little. You have given them arms—nay you have forced them to take arms—if you found the Irish Roman Catholic peasant poaching on your manor, you sent him to man your fleets,—if you found the Irish peasant at his plough, you ballotted him into the militia: you have, then, given him arms;—you have forced him to take arms. And I will say, you have seen him use those arms, and bravely too, in your defence. You saw him, in the 88th regiment, entirely composed of Irish Catholics, driving the French at the bayonet's point from the heights of Busaco. You saw him again, in the 87th regiment, equally composed of Irish Catholics, tearing the French eagle from its staff on the plains of Barrosa, and it is but the other day, that you saw the same 87th defending against a superior French force the hitherto considered untenable town of Tariffa, and prepared to defend the breach with a "living wall of men." You have, then, given him arms; you have taught him to use them; you have seen him use them; but you have not given him the first incentive to a soldier's ambition, the hope of promotion for brave and honourable exertion in the duties of his profession.

We have heard much, both in this House and out of it, of a fear that the number of conversions to our faith would be much diminished, if the Catholic religion were admitted to the same civil rights with it. To answer this argument, we need, I think, only refer it to our own feelings, and I confess that, referring it to my feelings, I should be tempted to say that, were I the representative of an old Roman Catholic family, disgusted, perhaps, with many of the ceremonial follies of my own faith, and unattached to any one of its polemical doctrines, no inducement under heaven should operate with me to make me desert the religion of my forefathers, so long as it laboured under civil incapacities, no inducement should make me place myself before the gaze of my country-

Digitized by Google

men as an object for the finger of scorn and malice to point at, for the whisper of suspicion to say to, "You are the man who, it is possible, may have abandoned your religion for your interest, who may have deserted your God for political influence." Good God, Sir, it is making our Protestant religion a stigma of disgrace to its proselytes; it is rendering those proselytes themselves objects of suspicion both to the Catholics whose faith they have abandoned, and to the Protestants, whose faith they have embraced.

Then to what is it that we are to still refer the principle of exclusion which we see acted upon by the right hon. gentlemen opposite? Do they believe the Irish Catholic to be disaffected to our constitution? No. Do they believe him to be disaffected to our government? Yes. And I do not conceive myself at all bound to apologise to the Irish Papist for so designating him. I do believe him to be very much disaffected to the English government: and that, on the best and purest principle of human nature; the principle, namely, that renders him disgusted at suspicion and indignant at restraint.

I feel, perhaps, that I ought to apologise to the House for having consumed any part of its time in endeavouring to illustrate points and to enforce arguments, which, I do believe, have long ago been strongly seen and felt by almost every gentleman that now hears me. But, before I sit down, let me implore the right hon. gentlemen opposite to me, as they value their own characters, or their country's safety, to consider well and deeply the crisis which is now fast approaching upon them. A crisis which it will be neither in their power to avert nor to delay. A crisis at which perhaps, (what may God forbid!) those claims which have hitherto come before you as petitions may assume the shape of demands, and of formidable ones. At which the Irish Catholic may no longer approach you in the tone of humble and chastened remonstrance, but in the tone and attitude of menace and defiance.

And let me implore those right hon. gentlemen to consider well and deeply, at such a crisis, the advice which it will then be their duty to give to the Prince Regent. An advice, on which will, I am convinced, depend this alternative. Whether by the adoption of at once a magnanimous, an enlightened, and an honest policy, they will enable him to conciliate to himself for ever the affections of a brave, a naturally loyal and affectionate people, or whether, by still counselling him to an adherence to that system which they long recommended to his royal father, they will place him in the predicament I am sure he will then be placed in, that of himself lighting the torch of civil discord between these countries, the plunging them both in a state of horrid and hopeless civil war, that of being obliged to hoist his standard at the head of eleven millions of his subjects, and lead them forth to political, if not to actual contest, against the remaining five. (Hear! hear!)

Mr. *Herbert*, of Kerry, agreed in every thing which had fallen from the right hon. gentleman on the floor (Mr. Canning), and felt as enthusiastic as himself in the cause of the Roman Catholics. He could not pretend to add any thing to the speech of the right hon. gentleman, and merely meant to state, that the right of petitioning had not been infringed, and that the Irish government had done every thing in their power to avoid coming to extremities with the Irish Catholics. For this reason he wished the House to go into the Committee.

Sir *Arthur Pigott* wished to know when it was supposed the time would arrive that might be proper for granting the claims of the Catholics? His right hon. and learned friend (Sir J. Nicholl) had said that when the Irish people were educated, when they were conducted from ignorance to knowledge, and from turbulence to order, that would be the period for taking the subject into consideration. For his part, as he did not pretend to dive into futurity, he could not be supposed to know exactly when that time might come; but really he had no very great hope that he should ever live to see the period when, according to the ideas of his right hon. and learned friend, it might be advisable to take the claims of the Catholics of Ireland into consideration. The right hon. gentleman who followed his right hon. and learned friend in the debate, and whose brilliant and animated speech no one could admire more than himself, had urged the Catholic claims with giant strength, but after putting to flight all the arguments of the opponents of those claims, and dispersing them like chaff before the wind, the right hon. gentleman did at last conclude—"Oh, conclusion most lame and impotent!"—that because his hon. friend (Mr. Hutchinson) had

Digitized by Google

given notice of a motion on the subject of the Union in March next, he could not enter into the consideration of the state of Ireland at present!—The right hon. gentleman had also stated that when the motion before the House was disposed of—and there could be little doubt of the way in which it would be disposed of—that then the subject would be fit for the consideration of the executive government; and that afterwards, when all prejudices were subdued and when all irritation had subsided, he should think it the time to come forward and give the proposition his concurrence. Thus he (sir A. P.) was left in altogether as hopeless a situation by the right hon. gentleman as by his right hon. and learned friend; for he could not, nor could any man foresee the period of that golden age when prejudices should totally disappear from the earth.—In a question so important to the vital interests of the country he should have concluded that no time ought to be lost, and that no compliance with the wishes of any court—no supposed consideration of what might be agreeable to this or to that quarter—would be allowed to have weight with parliament. He thought it was their duty fully to enquire into the present alarming state of Ireland, and into the nature and consequences of the measures of his Majesty's government there, which in his opinion required much explanation and justification. It was with great satisfaction that he saw the right hon. gentleman who was minister for Ireland, and must therefore be supposed to have originated and conducted those measures, in his place; for it was that right hon. gentleman's duty to explain the way in which Ireland had been driven from the quiet situation in which it was before the enterprises of the Irish government, into its present state of dangerous agitation.—If his Majesty's ministers would condescend to name any time at which they would be disposed to enter into the question—if they would say in fifteen days for instance—he would not object to the delay (although he should certainly think that even that was too great a postponement of such an important consideration) but they would say no such thing; and he was persuaded that at the expiration of any given period his Majesty's ministers would be as little disposed to consent to the discussion of the question as at the present moment. It was therefore cruelly trifling with the feelings of the Catholics to play off this political pantomime upon them; to say to them "your claims are fit to be received, but they are not fit to be now received;" and to point out to them no precise period at which their case might be taken into consideration. But as his Majesty's ministers did not think proper to point out any time at which the Catholic claims might be taken into consideration; it was for the House to consider the subject themselves—to consider if it was fit to be entertained at any time; and if fit to be entertained at all, why it was not fit to be entertained now. What was the situation of the empire? Was it safe that things should remain in their present state? The Union had been the occasion of feeding the Catholics—he could not say with promises, but certainly with expectations of success. Notwithstanding all that had been said of what had been done by the legislature for the Catholics, the fact was that excepting some little regulations of trade, nothing had been done for them since the year 1793; the act of which year contained a long list of offices from which Catholics were to be excluded. In 1801, at the period of the Union, it was held out to the Catholics that all local prejudices against them would be removed by transferring the question to a united parliament, from whose impartial justice they would obtain that relief for their grievances for which they had hitherto sought in vain. But from 1801 to 1812—during that long period of 11 years—in what situation were the Catholics of Ireland? They were like subjects out of the pale of the constitution; their case could not be taken into consideration for a reason so well known to every person in the House that it was superfluous to allude more forcibly to it. During that period they had been more like outcasts than subjects. Subject no doubt they were to the legislature; they were subject to the payment of taxes, but all consideration of their complaints was waved. The only consolation which any good subject could feel amidst his distress for the unhappy state of his Majesty, was that the consideration of the grievances of Ireland was thereby opened to parliament, and that the functions of the legislature, which had so long been suspended, need no longer be so; for it was quite impossible, and indeed would be as absurd as false, to suppose, that the august person who now administered the government of the realms did not feel himself free to listen to the

Digitized by Google

advice of parliament on that, as well as on any other question of national importance. There had formerly been some obstacles about a coronation oath, or some nonsense of that sort; as if an oath imposed by the legislature on the executive magistrate was for ever to prevent the legislature itself from making such provisions as the good of the nation appeared to them to require! According to this absurd doctrine, the supreme will of the legislature, consisting of King, Lords, and Commons, was to be fettered and entirely suspended in consequence of an oath which the same legislature had formerly prescribed! He repeated that it was one of the consolations which they had in the present afflicted state of the sovereign, that they were now at liberty to enter fully into the discussion of this great and important subject. As to presenting Petitions by delegation, he must state, that ever since the year 1757, before the Catholics of Ireland had the miserable privilege of reclaiming a little bog, or possessing an acre of arable-land, (unless at a certain distance from a town), they had been accustomed to present their petitions by committee-men of their own choice. These committee-men had at all times negociated with government on the subject of their petitions, and had frequently been introduced to his Majesty by his secretary of state. In the very year 1793, when this Convention Act was passed, an act of Parliament was also passed, granting farther privileges to the Catholics, and stating in the very preamble of it 'their peaceable and loyal demeanour.' It therefore certainly could not have been against them that this act was intended, and yet, from the duke of Bedford's government of Ireland, in 1757, down to that time, they had always been in the habit of acting by delegation through representatives and Committee-men. An act of parliament was always best explained by the history of the circumstances which gave rise to it; and it was very well known what gave occasion to the statute in question. In the year 1793 there was a convention of delegates for the province of Ulster that met at Dungannon, and assumed all the authority of another parliament. No one subject connected with politics escaped them; peace and war, grievances and reform, were the subjects of their deliberation, and they at last came to resolutions, which went to change the whole constitution of the country. After sitting for some time, they invited a more general convention to meet at Athlone, delegated from all parts of the country, and for similar purposes. It was under these circumstances that the Convention Act was passed; but so far from that statute having any Committee of Catholics for its object, there was actually such a committee sitting in Dublin at the time when it was framed, and in full and frequent communication with government.

In the next place, what were the provisions of this act? Why its object was to prevent the election of persons to unlawful assemblies, 'under the pretence of 'preparing petitions, &c.' Now the obvious meaning of 'pretence' was, that something was meant to be concealed by these delegates; that they met together under false allegations; not for the purpose of preparing petitions, but for a very different object. But was there any proof that the Catholics had not met precisely for the purpose of petitioning? and if so, how, by any fairness of reasoning, could the statute in question be presumed to apply to them? The act then went on to prohibit the assembling of any persons pretending to represent any county, city, or borough, other than the Commons in parliament assembled; and this obviously applied to the self-called Convention of Dungannon. The parliament of Ireland did not mean to trench on the right of petitioning; but they knew, that under the pretence of petitioning, other illegal measures might be cloaked and covered, which it was expedient to prevent. Whenever the *bona fide* purpose of any set of individuals was to present a petition for the redress of grievances, to them the act would not apply; and therefore the framers of the act introduced a proviso to satisfy the most fastidious, that it should operate as an eternal prohibition of any attempt to obstruct or impede the exercise of the right of petitioning. Was any privy council, then, or any court of Justice, entitled so to construe the act as to restrict or impede this right? Certainly not. The Catholic Committee had been sitting from time to time, from 1793 to 1810, for the purpose of preparing and presenting petitions, and it never occurred to any but the present ingenious government of Ireland to interrupt them. But then it was said, the act did not disqualify individual Catholics from petitioning; but only committee-men from counties. How inconsistent was this! It was quite natural for

Digitized by Google

the Catholics to wish their petition to be drawn up by a numerous committee, in order that numbers of people might afterwards sign it, and it might come with all the weight which numbers could give it. Some men were better at stating a grievance than others, different grievances would of course occur to different individuals, and hence arose the necessity of appointing committee-men or agents, to draw up their petition in such a form as was likely to meet with general concurrence. Let the House consider in support of his argument the last clause of the statute of 1796, to prevent seditious assemblies (which he quoted) with the view of impressing on themselves the inestimable value of that right of petitioning, which ministers wished to abridge if not to destroy. Adverting to the proclamation issued by the Irish government in July last, authorising any magistrates to enter the Catholic meetings therein mentioned, and disperse them, he would assert, that the magistrates had not a right to interfere but in cases of treason, felony, or breach of the peace. The offence for which the Catholic Committee were arraigned, was in the act itself a misdemeanour; and that could only be proceeded against by *ex officio* information, or by presentment of the grand jury, to be tried in a court of oyer and terminer. He therefore doubted extremely, the legality of the authority which the proclamation gave the magistrates to commit the persons who assembled in Liffey-street chapel. He doubted much, either the authority of government to issue, or that of the magistrates to obey such an order; and, indeed, he did not believe that one magistrate had acted upon it. It was just cause also for complaint, that the informations against the members of the Catholic Committee had been laid before the lord chief justice, that he was the person who had been applied to, when there were 800 other magistrates in Ireland who could have served the purpose as well. He thought this, to say the least of it, indecorous; and one reason for his thinking so was, in the language held by the right hon. gentleman opposite (Mr. Pole) last year, "because if any of these persons were brought to trial, he, the chief justice, must have presided on the occasion, and every stain on the administration of justice ought to be avoided." No person was less disposed than he to throw out reflections on the administration of justice: but really he thought, that the chief justice of Ireland ought not to have been employed to issue a warrant against these persons. It was essential to the purity of justice, that no communication should take place between him and the crown on the subject of judicial matters; and it would at least have been decent, that one of the many police magistrates whom government had at their disposal in Dublin, should have been employed in his stead. Had a similar application been made under similar circumstances, to the lord chief justice of the court of King's-bench, in England, he (sir A. P.) was persuaded that that noble and learned lord would have refused to grant his warrant. In saying this, he by no means intended to throw any imputation on the individual, the accuracy of whose conduct he had been questioning. For all those who were appointed to administer justice, he had a sincere respect, but he had a most important duty to discharge, that of a member of the English and Irish parliament, which called upon him to protest against any irregular proceeding on the part of the judicature, if it might not indeed be stigmatized with a more unwelcome term. All these circumstances furnished reasons for going into an enquiry into the causes which had disturbed the tranquillity of Ireland, and that at a time when his Majesty's indisposition had placed the Prince Regent in power, from whose gracious and benignant disposition the Catholics of Ireland had just reason to expect so much. Was it no impediment to the sacred right of petitioning, to say, that all the Irish Catholics, however scattered, must meet together in aggregate bodies, and not appoint committees out of the most intelligent of their number? And was it by rendering necessary the assemblage of such large bodies of men, that government thought they would best prevent the occurrence of riots, tumults, and disorders in Ireland? Was it the design of ministers to implicate the Prince Regent in their proceedings against Ireland? If so, he trusted they would be effectually disappointed. He should certainly give his most hearty assent to the motion of his noble friend.

Mr. *Wellesley Pole* spoke as follows:

Mr. Speaker; if I had not recollected what passed last year, when the measures of the Irish government were discussed in this House, I should have been surprised that, upon a question, which certainly is brought forward with a view to censure

Digitized by Google

that government, those gentlemen most acquainted with the state of Ireland, those great leaders on the other side, should have so long remained silent. In truth, Sir, I came down this day expecting that the right hon. and learned gentlemen opposite to me, (Mr. Ponsonby) or some of his friends, would have risen early in the debate to prefer those charges which it was understood they intended to make against the Irish administration. They have, however, thought proper to pursue another course; the hon. and learned gentleman who has just sat down has been put forward, and the part he has played in what he has been pleased to call this 'political pantomime' has completely succeeded. By the direct and general accusation which he has so broadly made against the Irish administration, he has rendered it necessary for me to rise and address the House, before the charges were made by those by whom I expected to be attacked, and to whom I wished to have replied. Knowing, however, that the cause which I have to support is a good one, and that the Irish government has only performed its duty, in acting as it has done, I feel the less regret at the task which has devolved upon me, of proceeding to vindicate their conduct, and my own, under all the disadvantages that I may have to contend with from the mode in which the attack has been conducted.

I shall commence the observations which I have to submit to the House by stating, that notwithstanding the guarded manner, in which the noble lord has brought forward his motion, (a manner, undoubtedly, as creditable to his abilities as to his taste), and notwithstanding the backwardness of the hon. gentlemen opposite me, I shall consider the motion as a direct attack upon the conduct of the duke of Richmond.

The question naturally divides itself into two distinct parts, viz. the intended censure upon the conduct of the Irish government, and the consideration of the Catholic question. In defending the conduct of the Irish government, I must observe, that, during the whole course of last summer, every possible effort, every factious art was used to mislead the people of Ireland, and of this country, by confounding what was called the Catholic question, with the measures to which the lord lieutenant has been compelled to have recourse in order to maintain the public tranquillity. With the view which the lord lieutenant took of the situation of the state of Ireland, and with the measures which it was necessary to adopt, the question of the Catholic claims had nothing to do. The lord lieutenant thought that his duty consisted in maintaining the laws of the land, in enforcing obedience to those laws; and in taking care that equal justice was administered to all classes of his Majesty's subjects whom he was appointed to govern, and I can assure the House, that the lord lieutenant and his advisers found they had quite enough to do in performing those duties, without entering into abstract speculations about altering the constitution. The lord lieutenant and his advisers felt that it was not their duty to enter into the merits of the Catholic question; they thought it was not proper for them to give any opinion upon that subject. They felt also, that it was their duty to take care that no impediment should be thrown in the way of any of his Majesty's subjects of whatever class or denomination, who wished to bring forward any claims they might have to urge, or to petition for the redress of any grievance under which they might labour, provided it was done in a legal and constitutional manner. It is necessary to state this, and to press it strongly on the attention of the House, because there is no art that faction could use, no exertion that the most active agents could employ, no misrepresentation that invention could frame, that have not been resorted to, and propagated to impress a belief upon the minds of the people of both countries, that the object of the Irish government was, not to enforce obedience to the laws, not to maintain public tranquillity, but to throw impediments in the way of the Catholics petitioning, and to prevent them from claiming what they conceived to be their rights, or stating what they considered to be their grievances.

Before I proceed to the consideration of that part of the conduct of the Irish government which more immediately claims the attention of the House, I must beg leave to allude very shortly to what passed last session. The House cannot have forgotten the Circular Letter* which was issued, about which so much had been said, and which had given rise to so much wit. That letter was certainly issued in my name, but it was framed and drawn up, as I stated at the time, by the law officers of the crown. I am far from

* See Vol. 19, p. 1.

Digitized by Google

wishing to disclaim any responsibility which belongs to me, for any part that I took in that transaction; but I cannot help lamenting, that when a solemn instrument had been issued by the government, it should, for bad purposes, have been turned into ridicule, and represented as the hasty composition of an arrogant man. That letter, when it was discussed in this House last session, underwent a solemn investigation. I remember the motion of the right hon. and learned gentleman opposite to me, (Mr. Ponsonby)* on the subject, and I feel, that I ought to call the attention of the House particularly to it, because I mean to build an argument upon it, which will be of material consequence in the consideration of the present question.

The right hon. and learned gent., upon that occasion, objected to the proceedings of the Irish government on three grounds:

First, That it was impolitic to have recourse to the Convention act at the time and under the circumstances the Irish government attempted to enforce it.

Secondly, That if the Irish government felt it absolutely necessary to act upon the law, they ought to have proceeded by way of proclamation, instead of issuing a circular letter.

Thirdly, That the Convention act only attached upon those who had attended the meetings described, voted, and acted, but that, in the Circular Letter, the magistrates were called upon to arrest, and hold to bail those who attended, or voted, or acted. These were the objections taken by the right hon. and learned gentleman, but it never was asserted by him, that the construction, which the Irish government had put upon the act of parliament, was not the true and legal construction, and that the law was inapplicable to meetings of the description in question. [Here Mr. Ponsonby manifested some dissent from Mr. Pole's statement.] I am convinced that I am correct in my assertion, and I have no doubt, that I shall be able to convince the House, and even the right hon. and learned gentleman, that my recollection upon the subject is accurate. The right hon. and learned gentleman had, as I have before stated, contended that the Circular Letter was wrong in asserting, that any person who attended or voted, or acted at any of the meetings alluded to, were guilty of a misdemeanor, because he said, in that case any person who attended innocently, without taking any part in the business, or who even attended for the purpose of dispersing the meeting, might be arrested and held to bail. If I am wrong in my recollection upon this subject, if the right hon. and learned gentleman really did doubt the legality of the proceedings of the Irish government, I should be glad to know how it happened, that he merely contented himself with moving for papers, and that he never brought forward any specific motion against the Irish government for acting illegally? Was it not most strange and unaccountable, if the right hon. and learned gentleman and his friends on the other side thought that the Irish government had acted illegally upon that occasion, that not one of them had felt it necessary to bring the matter before the House, although it sat for months after the discussion I allude to?—Sir, I must also observe, that in the long discussions which afterwards took place on the Catholic Petition, throughout the whole of that debate, not a syllable was uttered against the conduct of the Irish government. If the gentlemen opposite thought that the government had acted illegally, surely upon that occasion they would have mentioned it. I attended the House during that debate for the purpose of defending the Irish government, if any attack had been made upon it; but not one word respecting the illegality of the proceeding was mentioned by any gentleman on the other side of the House. But, Sir, I must mention one more circumstance, which will put the matter out of all doubt: an hon. gentleman on the other side of the House (Mr. Hutchinson) gave notice, last session, of a motion to repeal the Convention act: that hon. gentleman, however, did not bring it forward; and in stating his reason for not doing so, he praised the Irish government for the leniency of their conduct, and said he was glad to find that they did not mean to enforce that law. I felt it my duty to undeceive him;—I got up and desired that he would not forego his motion on that ground. I told him that the opinion of the Irish government remained unaltered; and that if the lord lieutenant saw the same reason for putting the law in force that his grace had before seen, he would undoubtedly do so.* Not-

* See Vol. 19, p. 269.

* See Vol. 20, p. 575.

Digitized by Google

withstanding this declaration on my part, the hon. member did not press his motion. Thus the matter stood at the end of last session. When, therefore, I returned to Ireland, I contend that the Irish government had a right to feel with perfect confidence that their conduct was approved of by this House, not only that they enjoyed such approbation, but that there was no idea entertained by any man in it, that their construction of the law was not a just and correct one. Every man in Ireland was acquainted with what had passed in this House in the last session; every man knew that the conduct of the Irish government had met with the approbation of parliament, and knew also that the legality of that conduct had not been questioned by a single individual. Under these circumstances, could I possibly have imagined, not only that the legality of that conduct would now have been questioned, but that the government should be accused with having taken the people of Ireland by surprise? Surprise! after every part of the conduct of the Irish government had been fully discussed; after every man in Ireland had been made acquainted with the detail, and with the result of these discussions, and after the public declarations which I had made in this House, that it was the firm determination of the government to enforce the Convention act, if the Committee again had recourse to their former measures.

I shall certainly not fatigue the House by going into a detail of all the circumstances and events which gave rise to the Circular Letter of last year.—I shall not repeat the statement which I was under the necessity of making of the whole conduct of the Catholic Committee.—I shall not repeat all the intemperate and inflammatory language which was used in that Committee, and with which the factious prints in Dublin were daily filled, because, I trust, that the subject is still fresh in the recollection of the members of this House: it will be sufficient for me to remind gentlemen, that the assembly called the Catholic Committee was formed in 1793, was revived in 1809, and in 1810 it was again re-established.

It has been repeatedly asked, why, if the Irish government entertained such an opinion of the conduct of the Catholic Committee, they had not interfered before? Why, if their conduct and their language had been so intemperate and so inflammatory, the government had not sooner resorted to the powers they were invested with, to put a stop to such proceedings? The answer which I before gave, and which I shall now give, was the true one. The Irish government was anxious to treat the whole Catholic body with lenity, and to administer the law in the spirit in which it ought to be administered, with tenderness; and, although the lord lieutenant was aware that the assembly was unlawful, yet, being composed of Catholics, he did not proceed against them as he would have proceeded against any other of the King's subjects. The lord lieutenant hoped that the forbearance which was thus manifested, would produce a proper effect; that the loyal and well disposed part of the Catholic body would be able to counteract the efforts, and repress the violence of those who were endeavouring to excite dissatisfaction and irritation; the lord lieutenant saw the danger, but hoped it would be temporary, and therefore abstained from interfering as long as he could consistently with the general tranquillity of the country. This was the plain and true reason why the government of Ireland did not interfere before; and yet they were to be accused of intolerance towards the Catholics, of treating them with harshness, of taking them by surprize, and of acting illegally, in order to prevent them from petitioning.

Having stated the motives by which the lord lieutenant of Ireland had been actuated, I shall now proceed to say a few words upon what has fallen from the hon. and learned gentleman who spoke last. That hon. and learned gentleman is completely mistaken in what he has said respecting the causes which led to the passing of the Convention act, and the object which it had in view. He must be wholly unacquainted with all the circumstances relative to that act, if he supposes that it was meant to apply to any one class or denomination of people whatever. The meaning of the act is distinct; its application is general, without any regard to Protestants or Catholics. It was enacted just before the Convention proposed to be held at Athlone. I have heard a great deal said about the existence of Catholic Committees ever since the year 1757, and

Digitized by Google

that now, for the first time, the Irish government had interposed its authority to suppress them. If the hon. and learned gent. supposed that the committees of former times, to which he alluded, were similar to the committees of 1809 and 1810, in Dublin, he is completely ignorant of the country of which he is speaking. There was not a single point of similarity between these committees; they differed in formation, in character, in proceedings, in object; in short, they were as different as the imagination could conceive. If any doubt is entertained on this subject, I can produce such proofs of the radical, essential difference between the committees of former days and the one which is now unfortunately the subject of discussion, as must, if party feeling has not banished every sentiment of candour from the opposite benches, convince those gentlemen of the injustice, as well as the absurdity, of making the comparison.

I will not enter into a detailed account of the proceedings or of the debates of the assembly calling itself the Catholic Committee.—I did so, in some degree, last year. It will be sufficient to say, that the Catholic Committee debated every topic that could irritate, inflame, or mislead the public mind; that the columns of the newspapers were filled with their factious harangues and proceedings; that they aped all the forms of Parliament; that they had their committees and their sub-committees; their committee of grievances; in a word, that they affected to be, and assumed the tone of, a Convention representing the whole Catholic population of Ireland. They had even carried their proceedings to such an extent, that they themselves were sensible of the dangerous lengths to which they were going. I will mention an anecdote, to shew the sense they themselves entertained of their own proceedings. During one of the violent debates which took place in the Committee, after some language of a peculiarly inflammatory and seditious nature had been used, one of the members called out to a person who was taking notes, and said, "We are going too far, you had better not take that down." The note-taker replied, "I thought so myself, and had already shut my book." Such was the character of the proceedings of this Committee before government interfered. When I state this, need it be asked what it was that caused the Circular Letter?—If the question is asked, I answer, it was because, not satisfied with debating and keeping the whole country in a ferment, they issued a circular letter in the name of their secretary, Mr. Hay, the object of which was to augment their numbers by ten representatives from each county. It was then that the government of Ireland felt that it could not consistently, with its duty to the public, adhere any longer to its system of forbearance, and that they were bound, if they meant to preserve the tranquillity of the country, to interfere.

It has been said, I understand, in another place, that the Irish Government, last year, interfered just at the moment that the Committee was about to augment its numbers, by the accession of ten respectable persons from each county, who would have repressed the violence of the others. Was that the fact? Lord Ffrench had, in consequence of the violence of their proceedings, seceded from them;—and had used the emphatic expression, "Ireland is sick of this business; do you mean to erect yourselves into a perpetual parliament?" Lord Fingall had also seceded from them, and it was the remnant, whose violence had disgusted these noble lords and the moderate part of the Catholic body, that issued this circular letter. This was the plain and simple state of the case; and I cannot avoid saying, that it is a pity, when gentlemen take so much pains to vilify government, they do not take equal pains to ascertain the facts upon which they found their slanders.

I will not dwell farther upon the proceedings of last year.—I will only state, that we had hoped, that the lenity with which we acted, would have been met by a corresponding conduct on the part of the Catholic Committee. I must observe, however, that the fate of the duke of Richmond, and of those who had the honour of advising him, is rather hard. They endeavoured to prevent the mischief which they saw was likely to ensue; they determined not to allow the Committee to assemble; they intended to stop the elections, and they did stop them; the ten persons which were ordered to be returned from each county last year, in point of fact, never did assemble; and yet, because the Irish Government thought it proper to permit small bodies of the Committee to meet without molestation, it was immediately said, that they had abandoned the measures which they had rashly undertaken, and that the Catholic

Digitized by Google

Committee had triumphed over them. Because, however, the government have now thought proper to interfere with meetings that were likely to become dangerous to the tranquillity of the country, the epithets of madness, folly, intemperance, and intolerance, were immediately applied to them. With what justice those epithets had been so applied, I will leave to the candour of the House to determine.—When we saw danger, we acted; when we saw the public tranquillity menaced, we interfered to preserve it;—when we thought there was no danger, we suffered the Committee to proceed, in the hope that they would find out their error, and that they would not persist in a system pregnant with such general mischief.

I now come to that part where it is necessary that I should enter into a detail of the measures of the Irish government, which have called forth the animadversions of the hon. and learned gentleman. When I returned to my duty in Ireland, it was impossible for me not to consider, that parliament had sanctioned the conduct of the Irish government, and that the lord lieutenant would be fully warranted in proceeding as he had formerly done, if the necessity of the case, in his judgment, required it.

I shall now proceed, with the leave of the House, to state the circumstances that led to the proclamation as shortly as I can; and detail, with the most unreserved candour, all the subsequent proceedings of the Irish government. On the 9th of July last, an aggregate meeting of the Catholics was held in Dublin; at this meeting certain Resolutions were entered into. With the permission of the House, I will state what was the nature of those Resolutions, and in what they differed from those passed in the preceding January. By the Resolutions of the 24th of May, 1809, readopted in 1810, it was resolved, "that the noblemen and gentlemen are not representatives of the Catholic body, or any portion thereof, or shall they assume or pretend to be representatives of the Catholic body, or any portion thereof."

When I was arguing this question last year, I stated, that there was enough in this Resolution to afford a ground for belief that the Catholics had the Convention act in their mind, and that they would not violate it. But, on the 9th of July last, the meeting, aware of the construction of the Convention act, aware of all the agitation that had been excited in Ireland, aware of the opinion expressed by parliament upon the subject, and aware of the declared determination of the Irish government not to suffer the continuance of such practices; the meeting, aware of all these things, resolved, (leaving out the Resolution which I have just read, disclaiming all representation,) "that the Committee should be re-appointed, and that the said Committee should consist of the Catholic peers of Ireland, of their eldest sons, of the Catholic baronets of Ireland, of the prelates of the Irish Roman Catholic Church," (appointed then for the first time,) "of ten persons from each county in Ireland, and of five persons from each parish in Dublin, and the survivors of the delegates of 1793." This was the mode in which the aggregate meeting of the Catholic body, with lord Fingall at their head, thought proper to proceed—the very persons against whom it was said, that the Irish government had acted with intemperance and intolerance; and, as if they were determined to remove every doubt that might by possibility exist of their real intentions, they determined that, until the new Committee should be assembled, "the management of the Catholic affairs should be confided to the Catholic peers, baronets, and survivors of the delegates of 1793." This was the first time, as I have already stated, that the Roman Catholic prelates of Ireland had ever been appointed to constitute a part of such a Committee. The meeting thus constituted would have amounted to about 473 persons. This convention of the three estates of the Roman Catholic body, (for a more complete convention of these estates it was impossible to conceive,) was appointed to meet in Dublin. I will fairly own, that when the lord lieutenant, and those who had the honour of advising him, saw those Resolutions, they were struck with the danger that might result from them. They felt that it was a melancholy thing, that a man of lord Fingall's rank and character, should lend himself to such proceedings, particularly after what he had witnessed the year before, when he found that all his attempts were vain to repress the violence and factious language manifested in the debates, and when he found that their proceedings were of so dangerous a nature, as to render it necessary for him to secede. The government felt also, that in consequence of the Resolutions to which I have adverted, all those persons who had distinguished them-

Digitized by Google

selves in the Old Committee for their violence and turbulence; who had exerted themselves with the greatest assiduity and zeal to promote general irritation and discontent, would be members of the New Committee; and in fact, there was not a man, no, not a single man, who had ever made a factious speech in the Old Committee, who was not chosen to form a part of the new. This Committee, then, with the advantage, if I may use the expression, of all the experienced advocates of faction of the Old Committee, and all the strength which would be derived from the members that were to be returned from the counties, if allowed to sit in defiance of the law, and to act, as they most undoubtedly would have acted, must have virtually annulled the government. If such a Convention, (for I cannot with propriety give it any other name,) even if assembled for any purpose however legal, had been allowed to sit in the city of Dublin, it would have been impossible to have been responsible for the peace of that city for one moment. What were these people who were thus constituting themselves into so formidable a body? I will tell the House in their own language. They state themselves to be the representatives of four millions of Roman Catholics, who "occupy the most valuable positions, whether for commercial, or for military purposes. The boldest coasts, most navigable rivers, and most tenable passes, the most fertile districts, the richest supplies of forage, the readiest means of attack or defence."

The Catholics were represented, on the same authority, as forming five-sixths of the population of Ireland. The number of persons of that religion, qualified to sit in parliament, from learning, talents, and property, were estimated at thirty thousand; and their clergy, who, it was stated, ought to be provided for by the state, without any condition or limitation, amounted to two thousand. This population, so described, were, it was said, not only qualified to hold all public offices, (even including that of lord lieutenant), but had an actual right to hold five-sixths of them. I ask the House, in what state would the government of Ireland be, if a committee, professing to be the full and complete representation of five-sixths of the whole population of that country, a population possessing such physical and local advantages, avowing such pretensions, and demanding such concessions, was established in the metropolis—what, I ask, would be the security for the tranquillity of the country, if such a committee were allowed to sit, deliberate, and act, in Dublin?

What would you say, Mr. Speaker, if, in one of the theatres in the Haymarket, there was a convention representing four millions of the people of this country, assuming all the forms of parliament? I am convinced, if such a thing were to occur, gentlemen would rise from every corner of the House, and say it ought to be put down. If no law existed to enable government to disperse such a meeting, you would instantly pass an act to suppress it. If such would be the conduct of gentlemen, and I am confident it would, (if the case were applicable to England), surely, they ought to feel the necessity of giving the same, or even greater support to the government of Ireland: a government that does not possess the advantage and support of a resident legislature, and which has nothing to look to but its own vigilance and its own energy.

I will now state the proceedings that took place, in consequence of the conduct of the Catholic Committee which I have just described. The lord lieutenant, having taken every part of the subject into his most serious consideration, sent, on the 20th of July last, a dispatch upon it to his Majesty's ministers. In this dispatch, his grace expressed his opinion, that the government of Ireland ought to proceed against those who had manifested so unequivocal a determination to violate the law. He also observed, that he had laid the whole of the proceedings of the Catholics before the crown lawyers, who were clearly of opinion, that they were direct violations of the Convention act. Such was the substance of the dispatch sent off on the 20th of July, to ministers. It has been often said, and indeed I heard it remarked in another place, that the government of Ireland were very remiss in not communicating with the Catholics, when they found they were going too far, and warning them of the penalties which they were incurring. It had also been stated last year, that it would have been 'more fair, more liberal, 'and more parental'* towards the Catholics, to have proceeded by way of proclamation, instead of issuing the Circular

* Words used by Mr. Ponsonby. See Vol. 19, p. 272.

Digitized by Google

Letter. It was said, that a proclamation would have shewn that there did not exist any intention of taking the people by surprise; that it must have had great weight with the people, and great authority from the sanction of the great law-officers of the crown. Feeling all this, and giving it all the weight it deserved, the lord lieutenant, before he received an answer to his dispatch, considered that it would be highly desirable, notwithstanding the conduct of the Catholics, to proceed with mildness; and, thinking that it was impossible that lord Fingall and the other respectable persons at the head of the Roman Catholic body, could willingly fly in the face of the law, of the known determination of government, and of the avowed opinion of parliament, his grace ordered me, on the 22nd instant, to see his lordship. On the 25th, it not being convenient to him to come sooner, lord Fingall called upon me.

I told his lordship that the lord lieutenant had desired me to acquaint him, that the very high respect he entertained for him, and the thorough good opinion he had of his loyalty and public spirit, had induced him to direct me to express to his lordship, that, from the Resolutions which had appeared in the newspapers, with his name affixed to them, and also from some accounts which had been published of some returns of representatives from parishes in Dublin, for the purpose of forming a meeting of delegates, of the nature stated in those Resolutions, and which it was the opinion of his Majesty's law servants would be illegal; his grace was apprehensive that the Catholics were about to proceed in a manner which would make it necessary for his Majesty's government to take their conduct into serious consideration, with a view to those measures to which it might be his duty to resort; that I was therefore to communicate with his lordship upon the subject: in order that he might be apprised of the lord lieutenant's feelings upon it. I pointed out to his lordship the danger that was likely to result from the meeting of a committee so constituted, and I entered into a comparison between the Resolutions of the committee passed in May, 1809, (re-adopted in 1810,) and those passed on the 9th of July last. I observed, that in the former all representation was denied, but that in the latter, no such reserve was made. I did not attempt to compare either of the committees with those of former days, as has been done by the learned gentleman. Lord Fingall would have laughed at me if I had done so, for he really knows something of Ireland.—Lord Fingall said, that he was of opinion, that the addition of the peers and the prelates to the committee would give such a preponderance to the loyal and temperate, that no mischief need be apprehended. I beg the House will mark the absurdity of this. We were to trust to the high rank, authority, and loyalty of the peers and prelates, to guard us against the mischief we apprehended, when it was well known that in the preceding year, when the committee was not near so numerous, neither lord Fingall nor his friends could check the violence and intemperance of the factious part of it.

I reminded his lordship of what passed last year in the committee, when he, lord Ffrench, and others, were so disgusted that they were under the necessity of seceding. I told him that the introduction of ten persons from each county would, in all probability, add to the preponderance of the democratic part of the committee over the peers and prelates; and that therefore I was convinced he would not be able to wield this great machine, having already failed in giving a proper direction to a lesser one. I concluded with informing him, that, under all the circumstances of the case, the government felt itself bound to take some serious steps to avert the threatened danger; that these steps would not be taken without due deliberation; and that whatever the measures of government might be, his lordship should be apprised of them. The interview then terminated.

On the 29th of July, a dispatch was received by the lord lieutenant from ministers, in answer to the one which I before mentioned, approving of every thing his grace had proposed, and recommending the proceeding by proclamation. The lord chancellor of Ireland, the attorney general and myself, thought that the mode of proceeding by letter was preferable to a proclamation; but we did not think proper to set up our opinion in opposition to that expressed by ministers, and we thought that by proceeding in the way recommended, we should at least be sure of the approbation of those who in the preceding session had told us that our great error was in not having issued a proclamation. I wrote to lord Fingall on the 30th of July, requesting an interview

Digitized by Google

with him on that day, and his lordship called upon me accordingly. A council was to meet in the afternoon, in order to consider of the proclamation. I beg pardon of the House for going into these details, but they are necessary because so much has been said against the Irish government for not having treated the Catholics with proper attention, that it is fit the House should know the facts and decide for itself.

Sir, a long conversation ensued between lord Fingall and myself, nearly similar to that which took place on the 25th. I stated to him the measure that was about to be adopted, and just as we were upon the point of separating, the lord lieutenant, and the lord chancellor, accidentally came into the room. His grace with great condescension addressed lord Fingall, and expressed his sentiments respecting the danger of the meeting, and the necessity of an interference on the part of government. The Lord Chancellor also spoke to the same effect.

Sir, I then felt it my duty to say—"Your lordship has heard the opinion of the lord lieutenant, and of the lord chancellor—You are already acquainted with the opinion of the law-officers of this country,—and I have informed you to-day that the law-officers, as well as the cabinet ministers, of England, concur in thinking that your proceedings are in all their steps contrary to law, and highly dangerous to the state. I ask your lordship, whether the lord lieutenant, with the collective opinions of the law-officers of the crown in both countries, upon the law, and with the opinions which he entertains, in common with the British cabinet, upon the danger, can be justified in suffering the committee to persevere in their attempts to assemble with impunity?—And I put it to you, who, as a man of high rank and property, must be deeply interested in the peace and prosperity of the country, whether you will now persist in lending your sanction to these proceedings; I put it to your lordship whether you will suffer yourself to be led into measures that must endanger the tranquillity of the country?"

Sir, my lord Fingall was assured that there could not be a grosser misrepresentation than that which had been asserted in the factious prints, that the Irish government wished to prevent the Roman Catholics from petitioning. He was informed that if they wished to call an aggregate meeting, for the purpose of considering the propriety of presenting a petition to parliament, such a meeting might be held; but that the committee must not sit from day to day, debating and promulgating doctrines which could not but be dangerous to the state, and must create agitation in every part of Ireland. The lord lieutenant told him, that, so far from impeding the Catholics in the fair exercise of their right of petitioning, he would even give them a room in the castle to meet in, if they wanted accommodation; but, added his grace, do not lend yourself to people who are forcing on measures that will probably affect yourselves, and endanger the peace of the country.

Sir, at this meeting lord Fingall desired that I would write him a letter, expressive of the determination of government, that he might lay it before the Catholic committee; and I wrote him one accordingly, which has been published in all the newspapers. This letter has been represented as an insult to lord Fingall, and it has also been asserted that his lordship and the Catholic body had been taken by surprize, and that they had no intimation of the intentions of government to interfere. I really wish that when persons are so anxious to bring forward charges, they would condescend previously to ascertain facts. I wish that they would recollect that those who compose the government of Ireland are men of honour; that they have characters to maintain; characters, I will add, that stand as high as any of those by whom they are accused: and that those characters ought not to be assailed by assertions which had not the slightest foundation in truth.

Sir, notwithstanding all that had passed, lord Fingall, the very next day, sat in the chair at a meeting of the committee, at which the following Resolutions, among others, were agreed to:—

1. "Resolved, That the Catholic committee, having adjourned on the 25th July to the 19th October 1811, have, notwithstanding, deemed it expedient to hold an extraordinary meeting on this 31st day of July, in consequence of a communication from government to the earl of Fingall, dated the 30th inst. to the following effect:—"That a privy council was to be assembled to take into consideration the "expediency of issuing a proclamation,

Digitized by Google

"declaratory of the law, &c. &c.; and "likewise of the course to be pursued "to ensure its observance."

"Resolved, That this committee, relying on the constitutional right of the subject to petition the legislature, in the way and manner specified in a resolution to that effect, passed at the last aggregate meeting of their body, do now determine to continue and persevere in the constitutional course they have maturely adopted, for the sole, express, and specific purpose of preparing a petition or petitions to parliament for their full participation of the rights of the constitution, and that, in so doing, they not only, in their opinion, do not violate, but act in strict conformity with its soundest principle." And they resolved also "That the Resolutions of the aggregate meeting of the Catholics, held on the 9th of July, should be re-published." [Here some gentlemen on the opposite side of the House cried hear, hear!] I am glad to find that gentlemen are so well disposed to hear; if they mean by that cheer to set up the opinion of this meeting against that of the Irish government, of the law-officers of the crown, and of the court of King's bench, they are at liberty to do so. But I hope and believe the country will pause before it draws similar conclusions.

Thus, then, the House will perceive after the proclamation had been issued, and every effort had been made to apprize lord Fingall of the illegality of the proceedings, the Catholics entered into new, and re-published their former Resolutions, in defiance of the law, and in total disregard of all the high authorities I have stated.

The House, Sir, is now in possession of the facts; and I have no doubt that, under all the circumstances of the case, it will be of opinion, that, if the lord lieutenant had not enforced the law, he would have been guilty of a gross dereliction of his duty.

After the issuing of the proclamation, a great ferment was excited in Ireland; the government was assailed from all quarters, and particularly by the factious prints, with the grossest abuse; and the most violent of the agitators proceeded to have meetings held in the different counties of Ireland, for the purpose of making the people believe that the elections were going on, according to the resolutions of the Catholics: in fact, however, they were held in such a way as not to come within the provisions of the Convention act. The intention evidently was, to proceed in such a manner as to have it supposed that these four millions of Catholics had peaceably, and without opposition, elected representatives to manage their affairs in this new Committee. These meetings were held for the most part during the assizes, but they were conducted in such a manner that it was almost impossible to find out what passed at them. Even in the county which I have the honour of representing, where it may naturally be supposed I have some interest, and could obtain the earliest information, two days elapsed before I could get a copy of their resolutions. Attempts were daily made to make the people believe that the elections were going on publicly, and in open defiance of the government and of the law. The fact, however, was, that they did not venture to act in open opposition to the law in any one county, after the issuing of the proclamation, except in the county of Meath, where lord Fingall presided, in consequence of which, proceedings were ordered against his lordship, and some of the other leading persons who were present. It had been insinuated that the magistrates were afraid to act, though the Catholics openly violated the law; but this was not the fact. The meetings were held in such a manner as to keep within the letter of the law.

Sir, I can mention a curious instance to prove this assertion:—There was a gentleman (whose name, I have no doubt, will be received by the gentlemen on the other side with a cheer) I mean major Bryan, who was sent over here last year with an address to the Prince Regent, signed, as it had been stated, by 29,000 persons, for the removal of the duke of Richmond, and of his chief secretary. From the language and conduct of this gentleman, it might naturally have been supposed that here was a stout champion, who would have boldly expounded the law in a way different from that adopted by government: but what was the fact? When the proclamation of the Irish government was stuck up at Kilkenny, I was informed that major Bryan had posted up one of his manifestoes along side of it; and we were told by the newspapers that the proclamation, from that moment, was no better than waste paper.—I certainly then thought that this great champion, by this proceeding, was determined on grappling with the government, and disputing the

Digitized by Google

validity of its proclamation. I naturally concluded that the gallant officer's Notice would have run thus:—"Whereas a meeting of the Catholics of Ireland was held on the 9th July last, at which it was resolved, that ten representatives should be elected in each county in Ireland; and whereas a proclamation has been issued by government, stating, that such elections are in direct violation of the Convention act; now we, being of opinion that such proclamation is not in itself justified by law, are determined to meet, for the purpose of electing the said representatives. We therefore call on the inhabitants of the county and city of Kilkenny to assemble on the 6th August, in order to proceed to the said election."—But what, Sir, was my surprise when I inquired into the nature of the gallant major's notice, and found, that, instead of its being an open avowal of his carrying the resolutions of the Catholics into effect, it was only an innocent paper, requiring a general meeting of the Catholics of the county and city of Kilkenny, on the 6th of August, "to "take into consideration the propriety of "concurring with the general petition of "the Catholics of Ireland, and adopting "those measures necessarily connected "with petitioning."—The Resolution of the Catholics was to elect ten representatives; instead of which the meeting at Kilkenny, contented itself with passing nine resolutions, which were quite as innocent as the gallant major's notice.

There was another curious meeting of the same kind at Waterford: a right hon. baronet (sir J. Newport) attended it, and made a good common-place speech about Catholic emancipation; but did he, like a good privy counsellor, advise those whom he was addressing, to consider how far they might be guilty of violating the law? However, not seeing the right hon. baronet in his place, I shall not animadvert any more upon what passed at that meeting.

I come now to that part of the subject on which I shall have occasion to say a word or two on the issuing of the Lord Chief Justice's warrant. Sir, it would be presumptuous in me to enter into any discussion upon the legal part of the question; I shall leave that to be argued by my learned friends near me. I shall only observe, that it was impossible for the lord lieutenant to receive the construction of the law from any body but the law-officers of the crown, and it affords me great satisfaction to find their opinion confirmed by the unanimous decision of the court of King's bench. I think it necessary, however, to vindicate the character of the lord lieutenant, and those who had the honour to advise him, from one of the foulest, and basest, and falsest aspersions that ever was thrown out against any public men; I allude to what has been said respecting the signature of the warrant by the lord chief justice. It has been said, I understand, that the lord chief justice was a man of the highest integrity and talents, and not likely to have taken such a step, but that it was by the 'contrivance' of the Irish government that he was induced to sign the warrant. What is meant by the word 'contrivance?' It must mean something improper;—it means that the lord chief justice had been induced by management or by trick to do something that he would not otherwise have done. Now, what was the plain fact? When it was determined to proceed against persons supposed to have transgressed the law, all informations of course were brought to me in my official capacity, and I immediately sent them to the crown solicitor, in order that they might be laid before the law-officers. The crown lawyers recommended that the persons who had violated the law should be proceeded against, and they at the same time recommended that the warrant which was to be issued against them should be signed by the lord chief justice, stating it to be the common practice in matters of great moment, especially in a case where the law had been so openly violated, that a chief justice's warrant should be issued, and being of opinion, that the solemnity of this proceeding, might have the beneficial effect of detering others from following a similar course. This, Sir, is the true state of the case, and this was the 'contrivance' used by the Irish government to induce the chief justice to affix his signature to the warrant! I never saw the chief justice's warrant except in print; and whether he was right or wrong, is not for me to say; it is sufficient for me to have stated the facts.

The hon. and learned gentleman has alluded to what fell from me, last year, when I said that I had not recommended the taking the benefit of the chief justice's opinion at a council, or giving his authority to a proclamation; because, if any person were to be tried for offending against the law, he would probably be

Digitized by Google

their judge; and I did not wish to throw a stain on the purity of a court of justice; and the learned gentleman asked, why we had not now proceeded upon the same principle? It is very true, that I did use the words the learned gentleman has read, and from the appearance of the paper from which he read them, I suspect it is the same that was used, for a similar purpose, in another place. But the learned gentleman has forgot to state to the House, as the other person did, who had quoted my speech, that the observation was made in reply to a remark of the right hon. and learned gentleman (Mr. Ponsonby) opposite to me; that if we had proceeded by proclamation, we might have had the benefit of the chief justice's opinion, and all the weight of his authority. Sir, there is, in fact, a most material difference between the two cases; in the former, the chief justice would have actually been called upon to give an opinion upon the legal guilt or innocence of the parties, before the period of trial, whereas the issuing of the warrant involved no opinion whatever; but was merely an act performed, in the regular and ordinary discharge of his official duty, as a magistrate. Another material difference between the two cases is, that before the issuing the proclamation, and the lord chief justice's warrant, the Irish government had had the sanction of parliament for the whole of their proceedings, as well as for their construction of the Convention Act.

An attempt has been made to raise a clamour against the Irish government, for proceeding against lord Fingall; and it has been represented in the newspapers, here to-night, and in another place, as an intentional insult to the whole Catholic body. This is an objection that I did not expect to hear, from those who profess to be advocates for the equal and impartial administration of justice. Upon what principle of justice, I beg to ask, could the Irish government, in a case where persons of high, and persons of low rank, had equally violated the law, pass by the former, and prosecute the latter? It appears to me, that if any difference was to be made, the person of rank and fortune ought rather to be the person prosecuted, because he has the means of knowing better, and his example is more likely to be productive of mischief. But the lord lieutenant admitted of no such distinctions. He knows only those who obey, and those who violate the law. He makes no difference between peer and peasant, between Catholic and Protestant.

Sir, there is one point of view in which this subject has struck me, that I beg leave to state to the House. We are accused of madness, folly, and intemperance, because, under the authority of the advice of the law-officers of the crown, in both countries, we endeavoured to put down a complete convention, representing the three estates of the Roman Catholics of Ireland; a convention, in which there were persons who have shewn that they would not stop at any thing short of a separation of the two countries. [Here some gentlemen on the other side expressed their dissent.] If gentlemen will take the trouble of reading the debates of the Committee, they will find that separation was distinctly and openly recommended, and that every argument, every topic of declamation, that ingenuity could suggest, was made use of to throw the two countries into confusion, and to set the people of Ireland against those of England. I put it to the House, whether, if the Irish government believed that to be the case, and that they had the opinion of the law officers of the crown justifying that presumption, they would not have been justly censured, had they allowed the convention to sit in the city of Dublin? Could the convention have been suffered to sit from day to day, with any degree of propriety, or without manifest danger to the public tranquillity? Suppose the Irish government had vainly believed, that it could have sat without danger, that, contrary to the opinion of the law-officers of the crown, they had allowed it to meet; and suppose, that by the intemperance of any one individual, blood had been shed, or any mischief had ensued; what then would have been said of that government? I ask, whether the gentlemen opposite to me, would not have been the first to accuse us, and justly too, for having grossly neglected our duty, and endangered the safety of the state? Will any man tell me, that an assembly, constituted like the one which I have described, without a crown to dissolve, without a speaker to restrain it, could sit in the city of Dublin, without endangering the public tranquillity? What justification could the Irish government have offered, if they had allowed this convention to sit, and any mischief had ensued? Would not the gentlemen opposite to me have said, you knew that this was an illegal meeting; the law officers of the crown told

Digitized by Google

you it was an illegal meeting; they advised you to proceed, and they pointed out the means with which the constitution had invested you to put down such meetings. You have neglected your duty by not taking this advice, and you are responsible for the mischiefs that have occurred. What answer could the Irish government have made to such a charge? I have not put an extreme case, and unless party spirit and political hostility have destroyed all candour, the gentlemen, on the other side of the House, must admit, that we could not have adopted a different course consistently with our duty.

Sir, I had before heard of the opinion given this night by the learned gentleman on the Convention act, and indeed, I have seen it; but I never, till to-night, knew on what grounds, and by what arguments, he intended to defend that opinion. I now perceive that he has read, with some care, the speech of Mr. Burrowes, on Dr. Sheridan's trial, as reported by Mr. Ridgeway. I wish he had read a little farther. I wish he had perused the eloquent and convincing answer of the Solicitor-General; he would have found a complete refutation of the opinion he has now expressed, and the true spirit and meaning of the Convention act accurately pointed out.

I will now advert to the proceedings of the Committee, from which it will be manifest, that they were conscious they were acting illegally. Lord Fingall knew that if the Committee attempted to meet, it was the determination of government to disperse it. On the 19th of October the Committee was to meet: it did meet, and there was a kind of race between them and the magistrates. Lord Fingall was not, according to the depositions made on oath by the two peace officers who attended, above ten or fifteen minutes in the chair, when the meeting broke up. On the 23d of December, the Committee was to assemble again. It met accordingly, but government was then more on the alert, and dispersed the meeting. The magistrate who was employed on this occasion, had, it was admitted on all hands, conducted himself in the mildest and most conciliating manner. This gentleman, when he entered the meeting, asked lord Fingall, who was in the chair, if that was the Catholic Committee? If they thought they were acting legally, the answer would have been directly in the affirmative; but what was the answer? Lord Fingall said, "we are met here for lawful purposes." The magistrate was obliged to cross-examine his lordship, and Mr. O'Connell, the barrister, was at his elbow, cautioning him against committing himself by his answers. Surely, this was not the conduct of men conscious of their innocence, and convinced that they were acting in conformity with the laws of the land. I see my hon. friend (Mr. Whitbread) opposite, taking notes—I am sure he would not have acted in such a manner—he would, if conscious that he was acting constitutionally and legally, have avowed in a manly way, the object of the meeting, and he would have defied any one to interrupt them.—Sir, the government of Ireland would have proved itself most inefficient indeed, if it had been satisfied with mere formal declarations, without endeavouring to ascertain what was the real object and intention of the people whose conduct they were watching.

I should observe, that a few days before the Committee was dispersed, a dinner was given, as it was described, to the Friends of Religious Liberty. At this dinner a number of very respectable Protestant gentlemen attended, and great pains were taken, and a great deal of art used, to make it appear, that they had given their countenance to the illegal meeting which was about to be held. I am far from believing, that any of the Protestant gentlemen who attended had any intention of giving their sanction to a violation of the law; but such was the construction which was artfully put upon their attendance, upon that occasion.

At the meeting of the 23d December, there were about 300 delegates present, according to the best information that could be collected. After they had been dispersed, in the manner which I have stated, they immediately repaired to another place, where they assembled in smaller, but still in considerable numbers. The magistrate followed them thither, and asked them if they were an adjourned meeting of the Catholic Committee? They replied, they were not; that they were merely met as individuals; and upon that assurance he left them unmolested. From this it was obvious, that if they had wished to call an aggregate meeting to consider their petition, they would not have been impeded. In fact, they did determine to call an aggregate meeting, and it assembled on the 26th of December, at ten o'clock in the morning. Those dele-

Digitized by Google

gates who had come to town to attend the Committee, having remained in Dublin, were all present at this meeting. Now, Sir, if, as it has been contended, it was necessary, for the more effectually preparing the petition, to have the assistance of persons from all parts of Ireland, here an opportunity had offered of the most favourable nature. Here were the ten representatives from each county, and the five persons from the parishes, &c. assembled as individuals, and assisted by the collective wisdom of a very large and respectable body of Catholics. Here was no fear of molestation from the government. Here lord Fingall was in the very same chair; Mr. Hay sat as secretary, with the very same petition in his pocket, which he was about to read to the Committee on the 23d, when it was dispersed; but did it ever occur to the persons present to avail themselves of a combination so fortunate, if the object really was to ascertain the opinions from all quarters of Ireland on the terms of the petition? no such thing! not one word was mentioned about the petition; their time was occupied in discussing and passing a set of violent Resolutions against the Irish Government, and in establishing a board, composed of all the members of the general Committee, (which has never yet met, as far as I can learn,) to prepare an Address to the Prince Regent. They then adjourned till the 28th February. The Resolutions in question contained some violent censures against the duke of Richmond and his administration, accusing him of a systematic course of oppression against the Catholics.—[Mr. Pole then read the following Resolutions:]

"AGGREGATE MEETING.

"At a very numerous Meeting of the Catholics of Ireland, held in Dublin, at the Private Theatre in Fishamble-street, on Thursday, the 26th of December 1811,

"The Earl of *Fingall* in the chair,

"Resolved, That it appears to us, that the general Committee of the Catholics of Ireland, appointed and assembled for the sole and constitutional purpose of preparing petitions to the legislature, on behalf of the Catholic people, and possessing the confidence, esteem, and reverence of Irishmen of all persuasions, have been forcibly and illegally obstructed and outraged by the orders of his grace Charles duke of Richmond, the present chief governor of Ireland, in conjunction with other persons exercising the civil government therein, and their prominent legal advisers.

"Resolved, That in the measures pursued by the administration of Ireland for some years, we have observed, with regret and indignation, a spirit of progressive intemperance, and exasperating intolerance, arising from the impolicy of those rulers, as well as from their ignorance of the country they have undertaken to govern."

Sir, these Resolutions are signed by lord Fingall. I really feel quite ashamed to trouble the House so much at length, but the character of the Irish government is implicated, and I hope I shall be excused. It is remarkable, that fourteen months before lord Fingall signed the resolutions which I have just read, that noble lord, at a meeting of freeholders of the county of Meath, moved a vote of thanks to lord Wellington. Now, if during the time lord Wellington had the honour of being one of the duke of Richmond's advisers, that noble duke had manifested a spirit of "progressive intemperance and exasperating intolerance" against the Roman Catholics, lord Fingall, most undoubtedly, would not have proposed such a vote of thanks to lord Wellington. It follows then, of course, that all that intemperance and intolerance must have been manifested during the time I have had the honour of being one of his grace's confidential advisers. Now I will challenge any man, whatever, to bring forward a single instance of intolerance on my part towards the Roman Catholics—nothing will give me more satisfaction than to have every measure, which I have recommended, examined with the utmost rigour. Is the repeal of the Insurrection Act a proof of intolerance? Is the modification of the Arms Act, by which very considerable powers were taken from the magistrates, a proof of such a disposition? By the latter act, as it at first stood, magistrates were authorised to enter any house to search for arms, of their own authority, and without any information on oath.—By the amended act, that power is taken away from them, and the whole responsibility thrown upon the government. Is the Gaol Act, the benefit of which has been universally felt and acknowledged, a proof of any intolerant feeling?—I have carefully looked over all the prominent measures of the duke of Richmond's administration, and I cannot trace any one act which deserved those epithets; and I am sure that I can

Digitized by Google

assert with safety, that his grace never meant to act towards that part of his Majesty's subjects, whose case is under consideration, but with the utmost mildness and conciliation. If any gentleman is disposed to controvert my assertion, let him state the case in which the duke of Richmond's administration has manifested any symptom of intolerance, and I will answer him, and shew by the most decisive documents that the charge is unfounded.

In order that the House may see the spirit with which these things are conducted, I will read two Resolutions which were passed in September 1810, at an aggregate meeting of the freeholders and citizens of Dublin, held for the purpose of petitioning for the repeal of the Union. A great number of Catholic gentlemen were present; among others, Mr. O'Connel, who took an active part upon that occasion, as well as at the meeting in December last, when the violent Resolutions against the duke of Richmond were passed.—The Resolutions I am now about to read were carried with acclamation, and will shew the opinion then entertained by those gentlemen, of the duke of Richmond and his government.—I will not give any epithet to their conduct, but leave it to the public to decide upon its consistency.

[Mr. Pole then read the Resolutions:]

"REPEAL OF THE UNION.

"AGGREGATE MEETING.

"At an Aggregate Meeting of the freemen and freeholders of the city of Dublin, convened pursuant to requisition, held at the Royal Exchange, on Tuesday the 18th of September, 1810.

"Resolved unanimously, That our excellent and amiable viceroy, his grace the duke of Richmond, has, by the uniform conciliation and wisdom of his conduct, merited the gratitude and thanks of the Irish nation. As a patron of public institutions, as a friend to Irish manufactures, as an upright chief governor, combining at once suavity of demeanor with constitutional moderation; his grace's ministry will be long remembered with affection and esteem by every loyal Irishman.

"Resolved unanimously, That we, the citizens of Dublin, in Aggregate Meeting legally assembled, fully impressed with a sense of his grace's many virtues, seize with pleasure this public opportunity of returning our grateful acknowledgments to his grace, and of thus recording our unqualified approbation of his lieutenancy in this kingdom."

Sir, having concluded all the observations which I have to make, respecting the conduct of the Irish government, I shall now say a few words respecting the other part of the question, namely, the Catholic claims. I wish to premise, that it has never fallen to my lot to take any part in the debates which have occurred from time to time, upon the petitions preferred by the Roman Catholics. I should have been very glad, if a motion had been made, to bring forward the question of the conduct of the Irish government without coupling it with the Catholic question. I should have been glad, for a reason which I shall presently state, to have been able to abstain, while I am in my present situation, from taking any part in the discussion of that question; but the subjects are this night so blended, that it is impossible for me to avoid noticing it. Though I have never taken any part in the debates upon the Catholic claims, I have always voted against the prayer of their petition. When I undertook my present office, I felt that it was most desirable, that any person holding it, should not take any part in the debates relating to the Catholics, unless he was prepared to recommend an alteration of the law in their favour.

Sir, it is the duty of the lord lieutenant to see that equal justice is distributed, but it is not his province to alter the constitution.—Feeling that it was not his province to alter the constitution, and feeling that it was not the proper time for granting any further privileges to the Roman Catholics, I thought it sufficient to express my opinion, as a member of parliament, by my vote; and I thought that I best performed my duty by attending to the business of my office, and not giving a ground for saying that I had done any thing that was likely to throw a prejudice on the Catholic question. Had I been of opinion that the prayer of the Catholic petition ought to be granted, I should have quitted my office, and so declared myself.

The discussion, however, being now forced upon me, I have no hesitation in declaring, that I am not one of those who think, that at no period further privileges may not be granted to the Catholics; but, at the same time, I am bound to declare, that I never have seen any plan proposed which afforded even a plausible hope that the claims of the Catholics could be granted, with a due regard to the safety of the establishments in church and state. It appears to me to be impossible to put the

Digitized by Google

Roman Catholics upon the same footing with the Protestants, without endangering those establishments. But I am open to conviction, and I might appeal to my conduct in Ireland, during the period of my residence there, a great part of which has been passed in troublesome times, whether I have ever given any reason to suppose, that I was inclined to go one inch further against the Catholics than was actually necessary to protect the constitution.

Sir, in my opinion, the Catholics have now assumed a tone, and adopted a line of conduct, which render it impossible for parliament to alter their condition, as long as they persist in the same course, and maintain the same menacing attitude. I do not mean to accuse the Catholic body itself; my observations apply to the committee; but the committee being declared to be the organ of the whole Catholic body, they are, of course, implicated in every act of that committee. The House will recollect, that, in the Catholic proceedings of last year, one of their members stated the progress made by the sub-committee of grievances in their report on the penal laws. At a subsequent meeting, it was determined, that 500 copies of that report should be printed. The first part of this work has been published by Mr. Fitzpatrick, and in such a manner as makes it evident, that it has the sanction of the committee.—I think it impossible, if this book has the authority which I have stated it to have, for any one to say, it does not come forward as the deliberate work of the Catholic committee, speaking the language of the Catholic body;—and, if so, I am sure no man can say it would be safe or proper to grant what is therein demanded.

I will just state what it professes to be. Its title is, "A Statement of the Penal Laws which aggrieve the Catholics of Ireland."—Has any gentleman a doubt of its being the production of the Catholic Committee? ["Yes, I have," exclaimed Mr. Parnell.] The hon. gentleman doubts it, does he? I think I can easily satisfy him on that point. The report of the committee is published by Fitzpatrick, in Capel Street; now I beg to read a short extract from a book published by the same person, some days after, and compiled by a Mr. Hamilton. It contains a great deal of matter which is very amusing; it contains all the libels that were written against me in the newspapers, in the course of the year. It is entitled, "A Statement of the Catholic Cause, from the issuing of Mr. Pole's Circular Letter to the present day." The passage which I wish to read is as follows: "It was thought, and justly too, that the people of England were, and indeed still are, ignorant of the nature and extent of the restrictions which oppress the Catholics of Ireland, and that even the sufferers themselves were not aware of all the privations and grievances to which they were and are liable. The report of the sub-committee is, we understand, full and luminous, consisting of 124 sheets, evincing much labour and research, and interspersed with a highly-talented commentary." To this passage is annexed the following note:

"As this Report of the sub-committee of grievances is now published by Fitzpatrick, Capel Street, it is unnecessary to enlarge upon the subject."

After this statement, I think no doubt can be entertained as to the authenticity of this publication, which contains a most exaggerated account of the grievances, under which the Roman Catholics are supposed to labour, and treats with contempt all that has been done for that body.—Mr. Pole then read the following extracts from the work:—"The Irish Legislature has carefully established a new ecclesiastical board, whose province it is to detect Catholic charities, and to appropriate their funds, when detected and seized, to the better maintenance of Protestant institutions. To facilitate this object, a special corporation has been embodied, under the plausible title of Commissioners of Charitable Bequests. This corporation deserves notice, by reason of its alertness in hunting down Catholic charities."—"Thus has the Irish parliament, in the last year of its existence, solemnly organized a powerful inquisition, vigilant and eager in the pursuit of its prey, and armed with every necessary authority for discovering and seizing the funds destined by dying Catholics for the maintenance of the pious, and the poor of their own communion."—"Suffice it to say, respecting the general conduct of this board, that their zeal and activity in the discharge of their inquisitorial functions, have completely succeeded in frustrating every attempt of the Irish Catholics to provide any permanent maintenance for the ministers of their worship, their places of education, or other pious or charitable foundations."

I beg leave to state to the House, that

Digitized by Google

the commissioners of Charitable Donations thus spoken of, consist of the archbishops and bishops, the lord chancellor, and the twelve judges, some high dignitaries of the church, and the several incumbents of the parishes within the city and liberties of Dublin. The commissioners have now existed twelve years; during that period, the number of prosecutions which they have instituted, amount only to fifteen, all under the opinion of the Attorney General for the time being; and of these, only two have been brought against persons of the Catholic religion. The House will, I hope, forgive me if I state shortly the nature of the two cases in which these commissioners felt themselves bound to interfere:—

The commissioners, upon a complaint made to them, that a bequest left by a Roman Catholic to endow an hospital for Catholics, had not been carried into effect, commenced a suit, and in consequence of their interference, the hospital has been established, and is now a most well regulated and useful charity, in a country town, in which such an institution was much wanted. The case I allude to, is Houghton's hospital at New Ross. Here then it appears that the commissioners carried into execution the charitable intentions of this Catholic!

The other case, where a prosecution was recommended by Mr. Plunket, then Attorney General, was that of a Mrs. Mary Power, of Waterford, who had left a large sum for certain charitable uses; but, this money being left to two Catholic bishops and their successors for ever, it became a question whether they could be legally considered as a corporation; and in order to decide this point, as well as the legality of some of the bequests, Mr. Plunket recommended an application to the court of Chancery. However, before the matter was decided, the heir at law, a Catholic, arrived in Ireland, and commenced a prosecution to recover the property, on the ground that the will had been made under undue influence.—The matter I understand remains still undecided.

The remaining prosecutions were all against either Protestants or Protestant Dissenters, to compel them to carry into execution certain charitable bequests entrusted to them.

The commissioners, so far from considering themselves as composing the "inquisition" described in the book, and so far from acting in the spirit of inquisitors, conceived their duty to be merely to enforce all charitable bequests, be they Protestant or Catholic. By the law, executors are bound to publish in the gazette statements of all charitable donations entrusted to them; but in many instances this provision had been neglected. I have at the same time to remark, that the commissioners are themselves in possession of regular returns of all donations left by will, which are furnished to them from the different registry offices, which returns are printed every second year and distributed. I have examined these returns, which contain donations for every species of Catholic charitable purposes that can be imagined, not one of which has been interfered with in the slightest degree.

Mr. Pole then read to the House the following instances from these returns:

"1800.—According to the printed returns of this year, William Sawey of Downpatrick, bequeathed the sum of 1,000*l.* to the Roman Catholic College of Maynooth."

"In the returns of the same year, Patrick Power, of New Ross, left the profit-rent of a house for the use of two chapels near Ross."

"1801.—The Rev. Mat. Lennon, titular bishop of Dromore, bequeathed 500*l.* to purchase six government debentures, for the purpose of establishing a daily mass in the chapel of Newry, in perpetuance; and he left a further sum of 500*l.* for the erection of a school contiguous to the chapel, for the education of children of poor Catholics only."

"1802.—William Doran, of Wexford, gentleman, left unto the Rev. James Currin, a Roman Catholic parish priest, 400*l.* for building and supporting a charity school, to be erected at the rear of the chapel of Wexford, in the church yard, and also an annuity of 35*l.* yearly, for the uses and purposes which he had directed in, and by a letter or memorandum given by him to Mr. Currin."

"1803.—Mrs. Trench left a sum of money to say masses for her soul, and the souls of her two husbands, besides bequests to seven Roman Catholic charity schools in the city of Dublin."

"1804.—Mrs. Mathews, of Usher's-quay, left 250*l.* to Maynooth College, and 100*l.* to the Roman Catholic school of St. Andrew's parish;—and Mr. Bonfield, of Limerick, left 500*l.* for the use only of the Roman Catholic schools in Limerick."

"1805.—Edmund Connellan, of Cork,

Digitized by Google

after leaving a trifling sum to each of the chapels in the city of Cork, adds, 'I leave my executors at liberty to give whatever they please to father Dennis Sullivan, to say masses for mine and my wife's soul."

"John Reilly, of Prospect, in the county and town of Drogheda, left to Dr. Richard Reilly (the titular primate) 1500*l.* in trust, to be applied to such charitable uses as he should think fit."

"1810.—James Baldwin of Macroom, county of Cork, left all his lands and tenements in reversion, to Doctors Shuegrue and Moylan, in trust, out of the issues and rents thereof, to dispose of the sum of 400*l.* per annum, for establishing a school or schools, to be kept by Roman Catholic clergymen, in the parish of Kilnamartra, county of Cork, for instructing poor children in the religious tenets and rules of the church of Rome."

It is also asserted in this work, that "all national charities, legislative endowments, and pious funds, are absorbed in Protestant institutions, and monopolized by the ruling class."—Now I beg the House for a moment to consider the nature of these charitable institutions, and gentlemen will immediately be convinced how unfounded these assertions are.—The first charity I shall mention is the House of Industry, where Catholics and Protestants are indiscriminately received. It generally contains about 3,000 persons, who being necessarily of the lower orders of the community, the great majority of them are of course Catholics. So all the public hospitals that receive parliamentary aid; so all the county infirmaries; so the Lying-in hospital; so the Fever hospital.—Another institution, upon a very extensive scale, is the Foundling hospital, about which so much was said in the Catholic Committee last year; this charity is supported by large parliamentary grants; by a tax upon the houses of the city of Dublin; and by charitable bequests. By law, no child can be received into the Foundling hospital after the age of one year. If they remain till they are seven or eight years old, they are of course brought up in the Established religion of the country. But as infants are received without discrimination (legitimate as well as illegitimate) and are uniformly marked, so as to be at all times recognized; are nursed by Catholic nurses, are examined once a year at the hospital, and are, whenever demanded, delivered to those persons, who by stating their marks, shew they have a just right to claim them; and there being generally in the house about 1,200 children, and at nurse about 4,000;—is it to be said that the Catholic body reaps no benefit from this noble institution? Indeed, I have been informed that many of the poorer inhabitants of Dublin take advantage of this institution, and leave their infants in the hospital, with a view to reclaim them at a future period, which they often do, when their industry has so far improved their circumstances, as to enable them to maintain their children.

Sir, there is another observation made in the work respecting "the miserable pittance which annually insults the Maynooth establishment." Now I have only to remark on this ungracious assertion, that no less a sum than 148,000*l.* has been voted by parliament within the last 16 years, for its support.

I now beg leave to say a few words respecting the Gaol Act, in which I may, in some degree, be considered personally interested.—Mr. Pole then read an extract from the same work to the following effect.

"As for the county gaols of Ireland, a certain limited compensation, under special restrictions, has been recently (by a statute enacted in 1810) provided for such Catholic clergymen as the respective grand juries may be pleased to nominate for the purpose of officiating as chaplains. But here too, from the ignorance of the framers, their neglecting or disdaining to consult the Catholic clergy, and the supercilious management of the entire transaction, this statute has fallen far short of its professed object. In some instances, it has proved even pernicious, by exciting discord between the grand jury and the Catholic bishop of the district. These mischiefs might have been avoided, by timely caution and ordinary prudence in preparing this law."

Now, Sir, this act was framed partly upon the report of the commissioners appointed to enquire into the state of the gaols in Ireland, and partly upon the best information that could be procured. It was submitted to the chief justice and judges of the King's-bench, under whose auspices and inspection it was drawn. It was then brought into parliament, printed, circulated throughout Ireland, and remained four months on the table of this House before it was passed. Every suggestion that was given from any quarter was attended to; and I appeal to the recollection of the House when I state,

Digitized by Google

that the Bill ultimately passed with the unanimous approbation of the House, and the satisfaction of every Irish member.

Catholic chaplains were appointed to the institutions under government in Dublin, at the recommendation of Dr. Troy, the titular archbishop of Dublin, and up to the moment I am speaking, I am not aware that a single objection to the act, or a single suggestion for any alteration in it, has been made to the government by any Catholic whatever.—It is notorious, and I will appeal for the truth of my assertion to the Irish gentlemen in the House, that this act has been considered by all the lower orders of the Catholics as most beneficial in its effects.

Sir, whether the Roman Catholics derive any benefit from this act will be best shewn by a letter, which I received in the course of the autumn after the act passed, from the Roman Catholic bishop of Kildare and Leighlin; the grand jury of the Queen's county, of which I happened to be foreman, offered the Catholic chaplaincy of the gaol of Maryborough to the priest of the parish, who refused it on the ground that the salary, 30*l.* a year, was inadequate to the labour. I then wrote to the bishop, requesting him to recommend a proper person, and I received the following answer:

"*Tullow*, 31*st August*, 1810.

"Right hon. Sir; I had the honour this day of your very gracious communication respecting the offer made to Mr. O'Neil, of the chaplainship to the gaol of Maryborough, and his having declined to accept the appointment on the score alleged by him of the reputed smallness of the salary; I should expect that a conscientious clergyman would be chiefly swayed in matters appertaining to the pastoral charge, as in the present instance, by motives of a superior nature to those of pecuniary considerations, and even in the latter point of view, do, for my part, esteem 30*l.* a year a handsome provision, in addition to his other official emoluments, for a priest, resident on the spot, if otherwise at liberty to discharge the office. How grateful should we feel for this rare concession? What a striking contrast, I cannot help begging leave to observe, between the liberal and beneficial conduct of our legislature at the present day, in this particular, and the penal restrictions, may I presume to say, of former periods? When a Catholic priest, far from dreaming of such a thing as stipendiary retribution for his service, would have considered himself as signally happy to be able to gain, even by stealth, at the most arduous risk, private admission into a gaol, for the purpose of exercising, without any hope, assuredly, or earthly fee or reward, in the most secret-wise, the functions of his sacred ministry, in behalf of its forlorn inmates of his profession; and now, to be not only thus openly and legally sanctioned in the public discharge of this important duty, but even stimulated to its execution, by an ample, permanent remuneration from the state.—What an incitement to the most strenuous co-operation on our side, in carrying into effect such excellent and charitable views!

"I speak here, permit me to aver, right hon. Sir, only what I intimately feel on the occasion. Under this impression, it must necessarily afford me unspeakable regret, not to be able to submit to your consideration a fit person for the office in question, from the extreme want of priests that actually prevails at this juncture, throughout the district with which I am charged; a circumstance that leaves (I humbly beg pardon for this detail,) not a few parochial chapels, to which are nevertheless attached, a numerous and wide-extended population, absolutely without divine service, even on Sundays.—I have the honour to be, &c. (Signed.)

"D. Delany."

Such is the opinion, and such the language of a Roman Catholic bishop, respecting the advantages derived by Roman Catholics from this act, of which this work so strongly complains.

Sir, as long as the Roman Catholics adopt the language of this book, and adhere to the positions laid down in it, I cannot give my assent to a compliance with their demands. If, at any time, I should see a proper temper and disposition actuating the body of the Catholics, and this spirit of exaggeration and disaffection towards the government subside, I should be the last man in this House to oppose their pretensions. But until such a disposition is manifested by the Catholics, I feel it my duty to state distinctly, that I do not think it practicable, or possible, with security to the establishments, to put the Catholics upon an equal footing with the Protestants.

Mr. *Sheridan* said, the right hon. gentleman had repeatedly appealed to him, although he had not uttered one word during the course of the debate. But as

Digitized by Google

he had so appealed to him, he must beg leave to say a word or two on the manner and matter of the speech of the right hon. gentleman, whom he should be proud to call his friend. He really had a high opinion of the mind and comprehension of the right hon. gentleman; but he had made no display on the present occasion of those talents for which he was willing to give him credit. On the contrary, he had taken a narrow and pitiful view of so great and important a question, and had stuffed his speech with endless extracts of the most miserable minutiæ, the most paltry and contemptible trash, and that in the discussion of a question the most momentous that could come under the consideration of the House; for the question of that night was, whether Ireland should be preserved in her allegiance to the British crown by conciliation and justice, or driven into the arms of the enemy, by injustice, tyranny, and oppression? This was the real question before the House, and not merely the claims of the Catholics, which formed only a part of the mass of grievances of which Ireland had to complain, and on which he would trouble the House of Commons more at length at a more favourable moment. Indeed, he had no intention of saying a word that night, and the few words he had uttered were extorted from him by the tone and the tenets which characterised the speech of the right hon. Secretary. For who could hear, without feelings of indignation, that justice and right was to be refused to a people merely because some of their advocates might have used indecorous and intemperate language in the assertion of their claims? The right hon. Secretary had called on the Irish Catholics to come forward in an attitude of submission and humility; with a tone and language that bespoke meekness, moderation, and forbearance. But while he was thus demanding from the Catholics every demonstration of mildness, submission and docility, he was himself making use of language, and insisting on topics, which no men, conscious of their rectitude and of the justice of their claims, could have temper to listen to, or patience to endure. As many honourable members had not yet spoken, and many valuable speeches might be expected from them, he begged leave to suggest the propriety of an adjournment.

The question was then put, and the further debate upon lord Morpeth's motion was adjourned till to-morrow.

HOUSE OF LORDS.

Tuesday, February 4.

NOTTINGHAM RIOTS.] Lord *Holland* said, he wished to ask the noble lord opposite, whether it was the intention of his Majesty's government to give any explanation to parliament, respecting the disturbances that existed in, and about the neighbourhood of Nottingham, disturbances which had now been going on for nearly a twelvemonth, gradually increasing in the numbers concerned in them, and in the extent of the depredations committed, and exhibiting as they increased principles and objects of a most formidable character. He did not mean, uninformed upon the subject as he was at present, to impute blame to his Majesty's government, but when disturbances of so formidable a nature, so dangerous to the peace and so injurious to the character of the country, had been going on for so long a period, and instead of diminishing, appeared to be increasing in violence, he thought it was due to parliament that some explanation should be given, as to what measures had been taken by government to suppress them.

The Earl of *Liverpool* said, he had no hesitation in giving what explanation he could respecting the disturbances which unhappily existed to a considerable extent in the county of Nottingham, disturbances in which men were combined to destroy their own comforts, and even their own means of subsistence, and at the same time adopting a system which had naturally excited alarm. There might be riots more alarming in appearance, but arising from a sudden ebullition of resentment, and therefore easily quelled in a short time; but the system adopted in the county of Nottingham undoubtedly gave those disturbances a new character. It would not, of course, be expected, that on the present occasion he should enter into a detail of the circumstances attending these disturbances. His Majesty's government were fully sensible of the importance of putting an end to these excesses, and whenever the subject came before the House, he was persuaded it would be found that they had not been inattentive or remiss in taking those measures which circumstances required. Two of the most intelligent magistrates had been sent from London to Nottingham, with all the means which they could command, in order to take such steps as might

Digitized by Google

be necessary. He was not sure that it would not be necessary to apply to parliament for some additional powers, in order the more effectually to repress these disturbances.

Lord *Holland* was not quite sure that he had understood the noble lord: what he meant was, that it was highly necessary that some inquiry should be instituted in parliament respecting these disturbances, particularly as they had (if he was not much misinformed), within the last two or three weeks assumed a still more formidable character than they had hitherto displayed, and many days ought not to elapse before the inquiry was instituted.

The Earl of *Liverpool* observed, that what he meant to have said was, that his Majesty's government were now taking measures, which must bring the subject immediately before parliament.

Lord *Holland* said, that as so many months had elapsed whilst ministers were in contemplation, it was highly expedient that they should not be allowed to contemplate any longer.

The Earl of *Lauderdale* contended, that the riots and disgraceful scenes which had occurred at Nottingham, might all be traced to the system and conduct of his Majesty's ministers, in reducing the commerce of the country to a gambling speculation. It thence arose that there was a great demand for articles of manufacture one week, and none the next, and the persons employed had one week much higher wages than usual, and the next their wages were reduced far below the usual standard. Was it not to be expected that men thus reduced from high wages to a state of poverty, would become discontented and riotous? He thought that parliament should not wait for any suggestion from ministers, but that they ought to institute an inquiry, to precede any measure suggested by ministers.

HOUSE OF COMMONS.

Tuesday, February 4.

COMMITTEE APPOINTED ON PENITENTIARY HOUSES.] Mr. Secretary *Ryder* moved, for the re-appointment of a Committee to consider of the expediency of erecting Penitentiary Houses, and that it be an instruction to the said Committee to enquire into the effects produced by transportation to New South Wales.

Sir *S. Romilly* hoped that this latter subject, which had originated with himself, would not be thus thrown into the back ground. If it was to go to the Committee now proposed, the House could not expect to hear of it again during the present session. The system of transportation to New South Wales had now been proceeded in for 25 years, without any proof of the beneficial effects of it having been at any time submitted to the House. It was of the utmost importance, in a political point of view, and as it affected other countries. Those who escaped from New South Wales were well calculated to give a new character to the inhabitants of the South Sea islands, and to form dangerous nests of pirates. Being on this subject, he could not but advert to a circumstance which he thought well worthy of inquiry. When the subject of the Police of the metropolis was before the House, he had delivered it as his opinion, that the system of offering rewards for the discovery of offences was liable to great objection. An hon. gentleman, on that occasion, thought that the evil lay, in not making the rewards universal, proportioning them to the nature of the offence. He now observed, that an individual parish in Westminster had so far acted on this principle, as to offer a reward of 10*l.* for the apprehension and conviction of every reputed thief. When it was considered that the only evidence required to the conviction of a reputed thief, was the oath of a Police officer, that he had found him waiting, or walking up and down in a public street or place, and that he believed him to be a reputed thief, he presumed the House would agree with him in thinking, that the assumption of such a power as this by the officers of any parish, however respectable, was a thing highly to be discountenanced; and one to which, if not remedied, he should, on some future occasion, call the attention of the House in due form. At present he had only to express a hope that his right hon. and learned friend would appoint his own committee on the subject of Penitentiary Houses, and would leave to him to move on Friday for a Committee to inquire into the effects produced by the system of transportation to New South Wales.

After some further conversation, Mr. Secretary Ryder agreed to withdraw the latter part of his motion. Sir Samuel Romilly then gave notice, that he should on Friday move for leave to bring in a Bill for repealing the act of the 29th of the King, relative to the transporting of convicts.

Digitized by Google

State of Ireland.—Adjourned Debate.] The House having, according to order, resumed the adjourned Debate upon the motion made yesterday, "That this House will resolve itself into a committee of the whole House, to take into consideration the present state of Ireland,"

Sir *John Newport* rose, and apologised to the House for thus early pressing upon its attention, when, from indisposition, he was so little able to treat the subject in a manner suitable to his own conception of its magnitude. He would not have come forward, had it not been that his conduct had been called in question, when he had not an opportunity of making that defence, of which he trusted that conduct would always be susceptible. The step which he had taken (attending the Catholic meeting at Waterford), and which he understood to have been animadverted upon, was not taken rashly. He had acted on that occasion with the coolest deliberation, and had done what he did from the firmest conviction, that he was not contravening the law, but was, on the contrary, consulting the best interests of his country. The proclamation was only the interpretation of the law, and not the law itself; and if any individual was sure that the construction of the law was wrong, he could not be called a violator of the law, when he disregarded the interpretation. The powers assumed by the privy council in the times of the Stuarts were well known to have been one of the chief causes of the expulsion of that unfortunate family. He did certainly attend a meeting of the Roman Catholics of Waterford, assembled for the purpose of preparing a petition to that House; and he had never ceased to hold out to that body, that in that House the redress of their grievances was to be sought for. He was not one of those who wished to impress upon their minds, that the door of parliament was shut against them. Certain factious persons had done so for the purpose of agitating the public mind in Ireland; and lately the government appeared to have joined with the agitators to produce the same effect. But he called upon them to consider the consequences of turning away the minds of three or four millions of people from the constitution, by inculcating the persuasion, that they could never hope for an equal share of its benefits. Was that their way of tranquillizing Ireland? For his own part, he had always considered it the soundest policy to keep the eyes of the Catholics upon that House; he had ever inculcated, that fresh sources of information were constantly opening more liberal views to the legislature; that the world was every day exhibiting phenomena bearing strongly upon this question; and that, though several sentences had been given against them, they had no reason to despair of the future. But it had been said, that the Catholics had their answer; and an unwise saying it was. They had not had their answer; and he hoped that no one would be able to do so much mischief to the country, as to persuade them that the restrictions under which they laboured were irrevocable. In the years 1792 and 1793, the parliament of Ireland had varied as much as day and night. In 1792, certain claims of the Catholics were almost unanimously rejected; in 1793, they were nearly unanimously admitted; and restrictions were then removed of great consequence in practice and in theory. He had uniformly inculcated upon the Catholics, therefore, that what had happened once might happen again. Such was the ground upon which he had attended the Catholic meeting. But why, it had been said, did he not attend the privy council, and there give his opinion? Because of his distance from the capital. If he could have attended, he would willingly have met the right hon. secretary (Mr. Pole) at council, and there openly stated his opinion, that nothing but the grossest infatuation, and most mischievous insanity, could have given rise to the construction which they put upon the Convention act. As to the opinion of the judges of the court of King's-bench, he maintained, that he had a right to consider his own interpretation of the act to be correct, till the question had been decided upon in the last resort; for he had often seen opinions of that kind set aside. And as to the opinion of the law officers, there were upon the table two opinions of the Attorney-general, on the subject of warehousing sugar, one given in January, and the other in March, directly contradictory to each other. He could not be supposed to place much confidence in such opinions.—The right hon. baronet then adverted to the extracts which had been read from a Catholic pamphlet, in order to shew the violent and intemperate manner in which that body conducted themselves: but extracts read from a book, taken without connection with the context, might be made to

Digitized by Google

prove any thing. Supposing, however, they were sometimes intemperate, this might admit of some excuse from men smarting under a sense of unmerited grievance. It was strange reasoning to say, We admit the grievances, and the propriety of redressing them, but then this is not the time; you must be cool—and not disturb our official repose with your intemperance. But even if there had been any thing in this, it was most unjust to charge the expressions of an individual upon a whole body. One of the passages, relating to the Commissioners of Charitable Donations, had stated, that their object appeared to be, to defeat the Catholic bequests. This was said to be unfounded. But it was not altogether unfounded; and, to prove this, he adverted to the case of a Catholic widow, who left her property in charitable donations. The first bequest in the will was, 1,000*l.* to the poor of the city of Waterford, *without distinction of religious persuasions.* This might have secured the favour of the guardians of Charitable Donations; but, in framing the statute, it has been provided, that the commissioners might, in case of an illegal bequest, apply the money to a purpose which they might think the nearest to the testator's intention. In this case, they filed a bill in Chancery, to set the bequest aside. After this attempt to deprive the poor of Waterford of this property, was it surprizing that such should have been the opinion of the Catholics with respect to the commissioners, or that they should have entertained and expressed the most unfavourable opinions of these parliamentary guardians of Charitable Bequests, who endeavoured to do away the provisions of a will framed by this good Roman Catholic lady, in the most enlarged and exemplary spirit of liberality, and acted upon by her executor, the Roman Catholic bishop of Waterford, with the same enlightened and benevolent spirit. His right hon. friend (Mr. Grattan) could state what had taken place at the passing of the Convention bill. The preamble stated, that it was a declaration of the existing law; and, upon reference to the statute book, he saw no act that prevented the meeting of the people by delegates to prepare a petition to parliament. It had been said, indeed, that "under the pretence" meant the same thing as "for the purpose"—and to justify this construction, they had referred to a statute of Charles 2, to times when laws were made for the purpose of entrapping the ignorant and the unwary, and bringing them under the power of the executive government. But he contended, that the words of laws intended for the people must be taken in their ordinary acceptation, and that it was not sufficient for him to be told by a lawyer, that, in statutes passed in bad times, words had been construed differently from their ordinary acceptation; but, if there could be any doubt as to the real meaning of the law, it must be solved on a reference to the concluding proviso, "That nothing herein contained shall be construed in any wise to prevent or impede the right of the subject to petition;" and how, he would ask, could an immense body of people prepare a petition, except by choosing a few, in whom they confided, for carrying that object into effect? In conclusion, he observed, that he really did not know how to give expression to the sense which he entertained of the magnitude of this question; convinced, as he was, that the crisis of this country is at hand; and that nothing could save it, but the cordial co-operation of all ranks and descriptions of the people. Let them not apply the flattering unction to their souls, that they may stifle or call up this subject at their pleasure. Let them remember that, by endeavouring to get rid of the question for an indefinite time, some putting it off for ever, and others doing what amounted nearly to the same thing—they estranged from the government a great portion of the population. He besought the House to consider how much might depend on the decision of that night.—Upon the temper which they displayed, either to receive the Catholics into the pale of the constitution, or to shut the door against them, would rest no less a stake than this—success or failure in the struggle, which was fast approaching, for their existence as a nation. I would, said the right hon. baronet, impress upon this House what I myself deeply and sincerely feel. In the few short and fleeting months which compose the present session of parliament, the doom of the British empire, will, I fear, be sealed; if her four millions of Catholic subjects be not by a full admission into every civil capacity embodied with the constitution, and for the constitution, this empire must fall. It is idle to talk of this as a question of time, or to suppose that the great mass of Irish population are to be told by those who admit the justice of their claims, it *is* not yet time to discharge

Digitized by Google

the debt; but that when with perfect absence of irritation, or properly speaking, absence of feeling, they approach as humble petitioners, it may possibly be thought fit to concede that which ought never to have been withheld. I implore the House to pause before it embraces such fatal doctrines, and at once to pursue that course which is the road of justice and of safety.

Mr. Charles Adams thought the question might be divided into two parts; the one political, the other religious. With respect to the political part, it had been stated, that in case of the passing of the measure, one half of the members might be Roman Catholics; but though it was possible the proportion might be still greater, he apprehended that it was the greatest injustice to give any immunities to them without an intention at some future period to give all. On the religious part of the subject he thought the Roman Catholic doctrines were inadmissible; but he was happy to say, that though he had come down to the House strongly prepossessed against the conduct of the right hon. Secretary (Mr. Pole), his opinion was entirely altered in that respect, and he agreed that he had only done his duty. He had listened with pleasure to the eloquent display of a right hon. gentleman on the floor (Mr. Canning) on a former night; but he must say of his speech as had been said of the speech of a Roman, on a former occasion, that he had displayed—'*Satis eloquentiæ, sapientiæ parum.*' Satisfied as he was with the defence which had been made for the Irish government, he should vote against the motion.

Mr. W. Fitzgerald opposed the vote on a ground not yet much insisted upon, and observed, that the supporters of the motion and its proposer differed much in their reasons for agreeing together that it was a fit one. For the noble lord who had brought it forward had declared, that he abstained from involving in it the consideration of the conduct of the Irish government while that subject was under a legal process, and while so much irritation prevailed on the public mind. But this example, though, from the manner in which the House marked their sense of its propriety, it was evidently greatly approved of, was not followed by those who deemed it right to support the noble lord on those very grounds which he had disclaimed. An hon. and learned gentleman opposite, (Sir A. Pigott) indeed, had, on the contrary, declared, that these were the very considerations which induced him to give the noble lord his vote.—On the subject of concessions, he differed from some of his right hon. friends, for he was convinced that at some time concession ought to be made. But that was not now the question, for it had not yet come to be avowed in that House, as it had been elsewhere, that they ought to surrender at discretion, and give up every guard, defence, and security. He was for the preservation of the state and of the church in their ancient and political rights. Even on the grounds of the noble lord, to whose Letter he had alluded (lord Grenville), he felt himself compelled to resist the present motion. With the worthy baronet who spoke last but one, he perfectly agreed that they ought not to drive Petitioners from their doors, but this doctrine was so universally avowed, that it seemed scarcely necessary to have dwelt at such length in inforcing it. As to the right hon. baronet's attendance at the Waterford meeting, he seemed to have been misinformed as to what passed on that subject last night. His right honourable friend (Mr. Pole) had not urged it against him as a subject of crimination and charge, but had merely stated his difference of opinion from him, and instanced this meeting as one of those endeavoured to be turned to the purpose of making a delusive impression on the public mind; that it was in direct contradiction to the law as laid down by the government, and sanctioned by the presence of a gentleman who had lately filled a high official situation. He thought the right hon. baronet had gone too far when he compared the government to the agitators, and accused them of having driven the Catholics from the attainment of legal objects by legal means. Was it so? Was preventing the election of a convention an act of this kind? Was the offering of facilities for an aggregate meeting such an act? He did not differ from the right hon. baronet when he said, the decision of parliament was not to be considered as final. If he thought it was, much as he deprecated the present motion, he would rather vote for it than against it, even if he thought the latter could in any way affect the final decision of the Catholic claims. He explained why the right hon. baronet was not summoned to attend the privy council, which, from the necessity for dispatch, allowed only time to call on the members within ten miles of Dublin. The right

Digitized by Google

hon. baronet charged the council with measures of mischievous insanity; and no man could concur in the present motion unless he was prepared to go this length with the arguments of those who supported it. Could any man do this? On the contrary, he would defend the conduct of the Irish government; and even if they were wrong in the law, which they were not, it must be allowed on the other side, that they had not acted in an uncourteous, uncivil, or arrogant manner. The government had acted in the manner last session recommended by a right hon. gentleman opposite. They had communicated with courteous deportment with the leading men among the Catholics: they had adopted the parental measure of proclamation, and yet, though they followed their very opinions, they could not satisfy these hon. gentlemen. He contended, that they had the sanction of the House in what they had done, and of the law, as now decided in the cases of Dr. Sheridan and Mr. Kirwan. He entered into a warm panegyric on the character of of chief justice Downes, who had not last night, in his opinion, been treated with that deference and respect he merited. As a lawyer, as a judge, as a man, and as a magistrate, he was as venerable and unimpeachable as the highest of those who had dared to arraign him. With regard to the Attorney and Solicitor General, who had been treated with equal disrespect, even the most factious of the writers, who thought the best way to support the Catholic claims was to stigmatize their opponents, had not dared to impeach the purity of their principles. They had deserved better treatment than they had met with from an hon. and learned gentleman opposite (sir A. Pigott); and one of them (Mr. Bushe) was a man of whose splendid talents and ability all Ireland was proud. He could not suffer those names to be so introduced, without offering his humble tribute in their vindication. The gentlemen opposite, though they had only mentioned the lawyers for the purpose of throwing a slur upon them, had desired to have more law, and they were not satisfied without having, in addition, the highest authority in this country against them. As for the legal proceedings in these cases, it was obvious to every one, that the Catholic advocates had never met the question fairly on its own grounds, but had displayed much ingenuity in defending their clients, by objections and points, as they would defend a felon at the Old Bailey. They never dared to admit the act of election, and try the cause on its merits, but endeavoured to foil the government by putting it to the proof. But he contended, that if the law had not, the danger of such a convention would have authorised the interference of government; and, in support of this argument, supposed a similar delegation to consider of the expediency of a repeal of the Union. Would it be said that such a meeting should, for a moment, be permitted, even if it only consisted of county representatives? And would they contend that a more dangerous meeting should be allowed with the representatives of Peers, Church and Commons? He paid a tribute of applause to the private character of lord Fingall, but referred to history to prove, that in all revolutions, erring virtuous men had commenced the ruin which they had not power to stop, and though they might acquit them of guilt, it was not easy to acquit them of imprudence. The violence of the Catholic advocates had done the cause much harm, and their publications were enough even to frighten men from their side who had pledged themselves to support them. On these grounds he was decidedly against the motion, and thought it better for the Catholics to follow the course they had chalked out for themselves, to meet on the 28th of February and petition the Regent, then free from all restrictions.

Sir *John Sebright* said, he should have no objection to make concessions to the Roman Catholics, provided such security was given as would effectually prevent any danger from accruing to the constitution. Thus far he was content to go. In his opinion, if the Irish government had pursued a different line of conduct from that which they had adopted, they would have been grossly culpable. The plain and simple statement made last night by the right hon. Secretary for Ireland, had effected a very great impression on his mind. The proceedings of the government had been mild and conciliating, such as he expected from the honourable character of the noble duke, the present lord lieutenant of Ireland, with whom he had the happiness of being personally acquainted. But the conduct of the Roman Catholics had been such, as influenced him to oppose the

Digitized by Google

motion. This he regretted, as it had been introduced by his noble friend; but, most assuredly, the Roman Catholics were not justified in demanding that as a right, which ought to be requested as a boon—much less should they have assumed a menacing or threatening posture; yet, from the statements which had been made, it was clear they had formed a society dangerous to the existence of any state—and a book had been published, with their concurrence, which was of a most inflammatory tendency. As a cry of "No Popery" was alleged to have gone abroad, he thought it right thus publicly to state his sentiments, lest he might be suspected of having flinched from his duty. As long as the Catholics stood in a menacing posture they should find an enemy in him. He confessed that the Catholics had a right to be emancipated, but they should receive emancipation with gratitude, and rather as a boon.

Mr. *C. W. Wynn* said, that the principal objections of the hon. gentleman who spoke last but one were taken from the speech delivered, on the preceding evening, by the right hon. secretary for Ireland (Mr. Pole.) The present motion was supported on two grounds—the discontented state of Ireland, and the cause of that discontent. Many honourable members conceived that the refusal of the Catholic Claims was the source of the misfortune; others believed it to arise from the severity of the course pursued by the Irish government; and not a few attributed it to both those grounds. But how it was possible for any person, who admitted that every part of Ireland was in a state of irritation, to resist giving so important a subject the most assiduous consideration of the House, he could not conceive. For his own part, he concurred, on both the grounds, in the propriety of the motion. He was surprised at many expressions which had fallen from the right hon. secretary, as they evinced a total ignorance of the principles of the constitution established by the Union of the two countries. The main recommendation of that great measure was, that henceforward there should be one state, one parliament, and one cabinet; instead of which, the right hon. gentleman was constantly imagining that Ireland was a separate kingdom, of which the duke of Richmond was king, and himself Prime Minister. He talked of the 'Irish Cabinet,' and of himself as 'minister for Ireland.' No such cabinet could, since the Union, exist; and the responsible ministers for Ireland were the Lord Lieutenant, and the Secretary of State for the Home Department. The right hon. gentleman, as Secretary to the Lord Lieutenant, was not even entitled to correspond with the Secretary of State, or to act in any case however trifling, but under the orders of the lord lieutenant.—He had spoken of the duke of Richmond's 'Privy Council,' was he, himself a privy counsellor, so ignorant as not to know that the privy council for Ireland was the King's privy council, that it was a body, the members of which were independent of the lord lieutenant, neither appointed by his authority, nor removable at his pleasure? In the same spirit, he had designated the lord chancellor, the attorney and solicitor general, as 'the lord lieutenant's servants.' Indeed, these lofty ideas appeared to pervade not only his language that night, but every part of his conduct. He had claimed great credit for the mild and conciliatory conduct of the Irish government, and yet his own statement of the language which he had used to lord Fingall disproved the assertion. What were these conciliatory expressions? "My lord Fingall, the lord lieutenant has *condescended* to state to you—he has *condescended* to explain to you!" He was not acquainted with the noble lord—but he believed, he was descended from one of the most ancient families in the empire, and four millions of people looked up to him as the assertor of their rights. Was this the language in which he should have been addressed? The lord lieutenant *condescended!* The right hon. Secretary should have known, that, as an hereditary adviser of the crown, he had a right to claim an audience even of his Majesty! In the same spirit of fancied dignity and independent authority, he had commenced the present contest with the Catholics by issuing his famous Circular Letter, without even consulting the King's responsible ministers, or obtaining the sanction of the Secretary of State for the Home Department, although there was ample and sufficient time for that purpose.—The right hon. Secretary had complained of the ridicule which had been cast upon that Circular Letter, and had said that it was not right to place it to his account, as it had been drawn up by the law officers. But he ought to recollect that this ridicule had proceeded not from the opposition, but from his own

Digitized by Google

friends, and that the appropriate epithet of 'slovenly' by which that performance had ever since been designated, was originally given by no less an authority than the Lord Chancellor. With respect to the authorship of that Letter, it was somewhat unusual for a gentleman to complain of the hardship of being considered answerable for a paper which bore his signature, and not very magnanimous to cast the blame upon another, but in the present instance, he cared not whether the right hon. Secretary was, or was not, the author; he looked upon it as the act of his Majesty's cabinet. They had not disavowed it, or dismissed the person who issued it, therefore they were responsible for it. After the promulgation of the Circular, a proclamation followed; and the House were told, that the proceedings of the Catholics were highly contumacious, because the attorney and solicitor general having given their opinion that they were acting illegally, they still persevered. But, when it was recollected, that the Convention act was passed eighteen years ago, that during the whole of that period, Catholic meetings were permitted, that they had been encouraged by different administrations, and that Catholic delegates had been honoured with an audience of his Majesty, these might be considered tolerable grounds for influencing the Catholic body to believe that their proceedings were not improper. Still however, it was said, the opinions of the Attorney and Solicitor General were against them, and therefore they ought to have acquiesced. Had the opinions of the Attorney and Solicitor General been always found infallible? He remembered a case when the opinion of the then Attorney General, and now Chancellor of the Exchequer (Mr. Perceval) had been as industriously circulated through England to convince the volunteers that they were not at liberty to resign. Yet that opinion was resisted by the volunteers, and in consequence over-ruled by the King's-bench unanimously and without hesitation. He hoped and trusted, the matter would not rest with the opinions delivered in the case of Dr. Sheridan, or the verdict given in that of Mr Kirwan; but that the question would be brought before a higher tribunal, not that he entertained a mean opinion of the Irish courts, but that he had a much higher of the House of Lords. He meant not to reflect on the conduct of the Irish judges; but, if he ever did, he would not be deterred by what fell from the hon. gentleman (Mr. W. Fitzgerald) as to any hon. member 'daring' to arraign that conduct. It was their bounden duty to arraign it, if they conceived it necessary; and it was dangerous to the welfare of the country, to support a principle by which the controul of parliament was questioned. He should always maintain that the powers of the House of Commons were as competent to take cognisance of complaints against judges as against any other individuals.

The hon. gentleman next adverted to the warrant of the chief-justice, which he contended, had been made use of for no other purpose than to prejudge the question—to obtain an extrajudicial decision. The only case in which a Chief Justice's warrant was usually issued was, where the person to be apprehended could not easily be found. According to the laws both of England and Ireland, the chief justice's warrant pervaded every part of the kingdom, and it was compulsory upon every inferior magistrate to see it carried into effect.—The warrant issued for the arrest of the Catholic delegates was (contrary he believed to the usual form), directed only to the county and city of Dublin, and was therefore a warrant which any Dublin magistrate was as well qualified as the lord chief justice himself to issue. In this assumption he was borne out by the circumstance, that the form of the act had not been followed; and the insertion of the words "on pretence of petitioning," which had never been explained, was most extraordinary.

He then entered into an examination of the act, and contended that being strictly declaratory, it could not carry the law farther than it stood before it was passed in 1793, and at that period the law was the same in England as in Ireland: if therefore the new interpretation of the law was correct, great commercial towns in Ireland could not delegate persons to prepare their petitions for the improvement of their ports, &c. without committing a breach of it. Or, if they were permitted to do so, why should a similar indulgence be refused to the Roman Catholics, when they wished to frame a petition for their rights? If the meeting of 500 persons was illegal, so must the meeting of 10, and, if this were law in Ireland, it would equally extend to England. This being the case, then, there was scarcely a gentleman who heard him, who had not, at one time or other, been

Digitized by Google

guilty of an illegal act—having been delegated to prepare petitions to parliament for Canal Bills, &c. In 1793, delegates came to this country: were they considered illegal? Perhaps it might be said, government did not wish to proceed against a trifling breach of the law, but they would not encourage it. Yet, it should be remembered, that it was the policy of the administration of Mr. Pitt and Mr. Dundas to treat with those persons. In fact, neither those ministers nor the framers of the act ever imagined that it could apply to persons delegated with petitions to parliament.

He now came to the question of safeguards and securities. And this brought him to a right hon. and learned civilian (sir J. Nicholl) who, by his tone and manner, and the place from which he spoke, seemed to have been put forward as the *double* of another right hon. civilian (Dr. Duigenan), who was then absent, and, to say the truth, he acquitted himself with equal ability. The learned gentleman had entreated the House to listen to no pledges which rested on the authority of individual Catholics. Why, if any pledges at all were to be given, they must be given on the authority either of individuals speaking their private opinions, or of persons delegated to speak the sense of the whole body. The learned gentleman had therefore placed the leading Catholics in this singular dilemma—that if they pledged themselves as individuals, they were not to be believed; if, as delegates, sent to Newgate. Indeed, this mode of arguing by dilemma was a very favourite one with the opposers of the Catholic claims. If the Catholics came forward peaceably and decorously to urge their petition, then it was contended, that it was unadvisable to enter into a consideration of it, lest you should disturb their tranquillity. If, on the contrary, they state their claim strongly and with those feelings which their privations are likely to excite, then it is said, We cannot concede, lest we should seem to be intimidated. So if the Catholics enlist in great numbers, it is argued that they are satisfied, and it is unnecessary to open the higher commissions to them; if in small, that they are disloyal, and it would be dangerous.

A young member (Mr. Peel) had inquired, last night, why the Roman Catholics had called to their assembly peers, and the sons of peers—was it to prepare their Petition? It was not merely for that purpose; but that they might hold communication with the members of that House, that they might be enabled to state what the precise wishes of the Catholics were, and to specify what were the securities they would give; which, while they were sufficient for the preservation of the Protestant establishment, should be the least burdensome to themselves. It would be well for the House to look under what circumstances the obnoxious meeting was intended to be formed. Some intemperance having manifested itself in the Committee, lord Ffrench informed them, that they would hurt themselves by those violent proceedings; therefore it was determined that a number of the most respectable characters should be infused into the old Committee. How was this to be done? Certainly by introducing the Roman Catholic nobility, their archbishops and bishops, who, from their age, from their sacred character, and from the honourable tenour of their lives, would themselves be a very great barrier against any seditious or improper proceeding. A meeting thus constituted he looked upon as extremely desirable—being the most proper organ to speak the sense of the Catholic body. In answer to what had been last night stated by a learned civilian, that the sense of the population of this country was against the Catholic claims, he thought it right to observe, that so far from this being a correct assertion, it appeared, that the great body of the people felt convinced that some attention ought to be paid to these claims—and, if they were to compare the proceedings on the Catholic question in former sessions with the present time, it would be manifest that various objections, which formerly existed both within and without doors, had now happily subsided. An hon. member who spoke last night (Mr. Peel), had read extracts from the letter of a noble relative of his (lord Grenville) on the subject of securities. What were the terms of that letter? It was there expressly stated, that, if concession were made, safeguards would be required: but what they were to be was not mentioned. How, then, were they to come to this knowledge? Certainly by going into a committee on the subject; for they ought to shew themselves perfectly willing to investigate the situation of so numerous a body of people. The hon. gentleman concluded by expressing his perfect concurrence in the motion, as well on the ground of the

Digitized by Google

claims of the Irish Catholics, as on the conduct of the Irish government towards them.

Mr. *Manners Sutton* said, he had listened to the speech of the hon. gentleman who had just sat down, with great attention, but he must beg leave to differ from him on every point. The hon. gentleman had observed, that Ireland was at present in a state of great irritation, and, he, therefore, called on the House to go into the Committee. He, however, must doubt the propriety and efficacy of this mode, which, in his opinion, would tend to increase, rather than allay that irritation. The hon. gentleman had combated, in the course of his speech, a number of points of mere etiquette, in which he conceived his right hon. friend (Mr. Pole) had been mistaken. They were unworthy of notice; and had nothing to do with the principle on which the debate proceeded. When the hon. gentleman criticised the mention of two cabinets, although that expression might be wrong, yet it did not invalidate a single sentence his right hon. friend had advanced. When the hon. gentleman spoke of the Convention act, he expressed an opinion that its interpretation was not finally decided; and defended the right of the House to examine the conduct of public men.—But, were these the grounds on which they would agree to the motion? What had these observations to do with the question under discussion? The hon. gentleman expressed a fervent hope, that the decision under the Convention act would be brought before the *dernier resort*, the highest tribunal in the state, the House of Lords; and yet, while the question was pending, he would advise that House to step in before them, by appointing this Committee. An hon. and learned gentleman (sir A. Piggott) had asserted last night, that, prior to the present time, there was a great bar to the discussion of the Catholic claims, but that that bar was now done away, in consequence of the melancholy illness with which his Majesty was afflicted. He (Mr. Sutton) could have wished that this statement had not been made. The Catholic cause wanted no such argument; which must have been painful to him that adduced it, but was much more painful to many who heard it. The hon. and learned gentleman had followed up that statement by a declaration, that he had this consolation, under his Majesty's indisposition, that the interests of Ireland would now be attended to. Good God! did the hon. and learned gentleman mean to insinuate, that the interests of Ireland had been neglected? Did he mean to say, that, during the long reign of his Majesty, proper attention had not been directed towards Ireland? Need he inform the hon. and learned gentleman, that the rights and privileges which the Catholics possessed, were granted since his Majesty's accession to the crown? He could not brook the idea, that the calamity of his Majesty should be held out as offering a consolation, because the rights of the people of Ireland could now be investigated with advantage. He was not prepared to go into the Committee proposed; he would not support the motion, because the time was not proper; nor would he be accessary to throwing a slander on the Irish government. He never had had an opportunity of stating his sentiments on Catholic Emancipation. And here he would disclaim the feeling, which was generally imputed to those who opposed the measure, that he considered the Catholics as enemies to their country. He gave them full credit for honour, bravery, loyalty, and every generous feeling—he did not believe the Roman Catholics, as men, were depraved or bad; nor would he impute to them, as had been done by an hon. gentleman who affected to advocate their cause, that if, from the view parliament took of the subject, their claims were not now acceded to, they would resort to force. If he cherished an opinion, that, under any circumstances, they would so conduct themselves, then, indeed, might the imputation be justly cast on him. He did not consider this a question of right, but of expediency—of justice, if gentlemen would have it so; justice to the Roman Catholics on the one side, and to the Protestant establishments in church and state, on the other. If that were the case, as seemed to be admitted by gentlemen opposite, he thought it was unfair that those who expressed doubts on a question of such magnitude, should be abused and vilified. Different opinions had been entertained on the subject; some had said, that the Catholic claims should be conceded, without any restrictions. If it were just and expedient to do so much for the Catholics, then it was just and expedient to do that which had not been done for the Protestants. Others were of opinion, that unqualified concession could not be granted with safety; but that the Catholics would agree to every safeguard necessary

Digitized by Google

for the well-being of the constitution. When, however, they were asked, what those securities were? their advice was, that they should be considered in a Committee. He was aware that a Bill could be debated in a Committee, better than in the whole House; but it was proper that the whole House should first know the principle of the measure. On that ground he could not consent to go into a Committee, unless the securities were specified. If he did, it would be trifling with the Catholics; for he should enter the Committee with a feeling that he never could concede what was demanded. Without pledging himself one way or the other; without venturing to state a decided opinion on the subject of the Catholic claims, he felt insuperable objections to the motion. He could not agree to the formation of this Committee, in the slender hope, that, during the collision of debate, some security might arise. Such a mode would be degrading and insulting to the Catholic body.—With respect to the government of Ireland, deeply slandered as it had been by several gentlemen, he was not officially connected with it, so as to state the case with all that accuracy which the weight and importance of the subject demanded. But this he would say, that a government more moderate in its conduct, or more acceptable to the people of Ireland, although some circumstances of irritation had occurred, was never seen in that country. Much had been said of that government, both as to its construction of the Convention act, and the manner in which it was carried into execution. At the head of the law authorities in that country was placed a nobleman, a near relation of his, than whom a more honourable or dignified character did not exist; and he could not help observing, with feelings which he hoped no person could blame, that that noble lord, and the law officers of the crown, had not been commented on with justice or candour. Whatever might be the opinion of other persons, on reading that act of parliament, he was willing to stand with the judgment of the whole of the judges in the court of King's bench of Ireland, against the speculative ideas which had been promulgated. However he might respect the opinion delivered by an hon. and learned gentleman (sir A. Pigott) last night; however unwilling he should be to advance an interpretation of his own, in contradiction to it, still he would express himself satisfied with that construction which had been put on the act in Ireland; and he sincerely hoped, as well as the hon. gentleman who spoke last, that the question would come before the *dernier resort* for final adjudication. It had been said, that no person should be arrested, except in cases of treason, felony, or actual breach of the peace. Now, if the hon. and learned gentleman who supported that opinion, would inquire, he would find that the uniform practice in Ireland was, to commit for misdemeanors tending to a breach of the peace. He would go farther, and say, if that hon. and learned gentleman had looked into the law books at home, he would have discovered, that it had been done in this country. The point was argued in the King's-bench, and the warrant was held legal. That was in a case of libel, which made the decision still more strong in favour of his argument.—Gentlemen had argued, that no time more favourable than the present could be selected for the consideration of this question. In his opinion, there might; and he grounded himself on the conduct of the Catholics themselves. He bowed to their authority; they best knew their own interests—yet they had not pressed the question forward—they had presented no petitions to either House of Parliament. He concurred with them, and conceived the time completely unfit. He also thought it was a most inopportune period to examine the conduct of the Irish government, when the proceedings were in a course of legal investigation. Such an investigation could only tend to warp the fair, regular, and constitutional course of the law. Seeing no good reason to enter into the Catholic claims at present, and feeling that no charge had been substantiated against the Irish government, he gave his most decided negative to the motion.

Mr. *Parnell* rose and said: The hon. member who spoke last, has assumed to himself a superiority in argument over my hon. friend to which he is not entitled; for his pretensions rest upon a very superficial conception of the motion before the House. It is not, as he has argued, a motion made for the sole purpose of inquiring into the legality of the conduct of government, but a motion that has for its object an inquiry into the policy, as well as the legality, of that conduct; and also into the condition of the Catholics of Ireland. The policy and the legality of the conduct are two distinct considerations; or, other-

Digitized by Google

wise, the crown lawyers would be the efficient ministers of the country. I confess, Sir, I heard, with great surprize, the assertion of the hon. member, that there had existed no bar to the interests of Ireland. Surely, the hon. member must have forgotten the reasons which Mr. Pitt had assigned for quitting his office in 1801: the cause of the dismissal of the last administration, and the obstinacy with which their successors have resisted every measure that has been proposed, even of the most trifling importance to the interests of Ireland. He must have forgotten, that from the time of the Union, when so much was promised the Catholics, to the present hour, no one statute has been made to give them any new concession, and that the prayer of their Petition has been uniformly refused. The hon. member has said there are great objections to the present motion, arising from the time of proposing it: that certain considerations, having reference to the state of the executive government, and the example of the Catholics in postponing their application to parliament, render this motion, at this time, particularly unseasonable. With regard to the first objection, it seems to me, that when the House considers what the state of Ireland is, and that no mention was made of its political condition in the Speech from the throne, it became the duty of parliament to supply the defect, and give its whole attention to it, for the amelioration of the state of Ireland cannot bear postponement. Even in the short period that has elapsed since the opening of the session, measures have occurred, which have greatly contributed to heighten all its disorders. As to the assertion of the hon. member, that the Catholics wished the discussion of their case to be delayed, there is the evidence of their own resolution to prove, that if their proceedings had not been interrupted, their Petitions would have now been upon the table. So far from viewing this motion as unfavourable to them, they must, on all accounts, deem it of the greatest service to their cause; but, more particularly, from the assurance it holds out to them, that that great party in this country, which compose what is called the opposition, will not undertake the administration of government, unless they have it in their power to grant the wished-for concessions.

The hon. member, and several other members, have assumed, that the Catholics demand these concessions as a matter of right. It is said, the Catholics must abandon this menacing position, before even their claims can deserve discussion. I do not know where this demand, in the sense here given to it, is to be found. It is not in the speeches of their friends in parliament, or in their own petitions. I conceive, that whenever they make use of the word right, they use it in a qualified sense. I conceive that the Catholics do not deny the force of the general maxim, that 'salus populi suprema lex;' but that the right which they assert is the unquestionable right of every British subject, not to be restricted in any thing that is not adverse to the safety of the country.

Having now examined the principal topics of the hon. member's speech, I will proceed to make some observations upon that of the Chief-Secretary of Ireland. It appears to me, that the recent conduct of the Catholics has been greatly misrepresented by him and many others; and that it is a matter of great importance, that what their conduct has been should be accurately known, inasmuch as it will be highly injurious, not only to them, but to the empire also, to suffer any obstacles to exist, in the way of their emancipation, in addition to those which may fairly belong to it. I shall, therefore, endeavour to shew, what that conduct has been, and what the motives which have guided it. With respect to the speech of the right hon. gentleman, the most accurate description, I think I can give of it, is this—that it was a speech most remarkable for the extravagance of its prefatory accusations, and the impotency of its proofs and conclusions. There was no crime which the right hon. gentleman did not insinuate, or directly charge against the Catholics. Libelling, sedition, treason, rebellion, separation, revolution, each and every of them, he repeatedly attributed to them; but when we examine the endeavours of the right hon. gentleman to support his case, what do we see? That the whole of his anger and accusation, and also of his measures, are clearly to be attributed to the soreness which he feels, in consequence of the abuse that has been bestowed upon him through the medium of the public newspapers—from the beginning to the end of his speech the burden of it was this news-paper abuse. Newspaper abuse in January, newspaper abuse in February, newspaper abuse in July, newspaper abuse in December; and, because this great

Digitized by Google

minister has been thus abused, he thinks he can discover a sufficient justification for all those violent and arbitrary measures which have plunged Ireland into its present state of anxiety and agitation. The right hon. gentleman commenced his statement of the late proceedings of the Catholics, by going over his former charges against the committee of 1810. But the House cannot fail to recollect how feebly he supported those charges in the last session. Their great crime was making violent speeches. No resolution, no overt act was given in proof, to substantiate a single illegal measure against them. Certain speeches were made, which found their way into the newspapers, which were very free in their animadversions on the opposition to the Catholic claims, and on the conduct of government; and in consequence of those speeches, the right hon. gentleman thought proper to issue his Circular Letter, and thus to impute to the whole body seditious and treasonable intentions. Now, Sir, it does appear to me to be exceedingly cruel and very unjust, to impute any criminal intention to any man for what he may be reported to have said in a public assembly; much more cruel and unjust to go one step farther, and impute a criminal intention to a whole body of people, for the speeches of certain individuals belonging to it. For speech is so subject to interpretation; there is so great a difference between indiscretion and malice, and generally so little of the latter in the freedom of public expression, that no wise and temperate government would ever suffer itself to be influenced by the speeches of popular assemblies, to adopt measures of extreme severity against those who composed those assemblies. Happy, then, would it have been for Ireland, if it had been under the care of a wise and temperate government: of a government that would have condescended to follow an example that is to be found in ancient history; the example of the emperor Theodosius, who wrote thus to the prefect Rufinus: "Though a man should happen to speak amiss of our person or government, we do not intend to punish him: 'si id ex levitate processerit, contemnendum est; si ex insania, miseratione dignissimum; si ab injuria, remittendum.'" But this committee of 1810, whatever were its merits or defects, was dissolved when the object of its institution was attained. Surely it would have been good policy in government to have suffered it to have sunk into oblivion, and to have judged the future proceedings of the Catholics by those proceedings, and not by proceedings of this committee. But government have not thought so, for it clearly appears, from the speech of the right hon. gentleman, that all the latter measures of government have been guided by a revengeful recollection of the speeches of the committee of 1810. Acting upon this feeling of revenge, they have rushed headlong into a new contest with the Catholics; and by their temerity and violence, have kept the whole country in a state of unexampled agitation.

But the Catholics, says the right hon. gentleman, are the aggressors; they are wholly to blame; we have acted upon a sound policy, and strictly according to law. I will endeavour, Sir, to expose how wholly void of foundation these assertions are, by stating truly to the House, what it is the Catholics have done. It seems that an Aggregate Meeting was held in Dublin on the 9th of July, and that at this meeting it was resolved to petition parliament in this session, and to convene a committee of delegates to prepare and conduct the petition. The first question that presents itself for examination is, had or had not the Catholics good reason for determining to petition? The answer has already been given by a right hon. gentleman who spoke so ably last night, (Mr. Canning): they had the best of reasons; the removal, for the first time since the Union, of the great bar to their claims, and the commencement of a new reign, from which they had good grounds to expect the most liberal policy. The next question is, had or had not the Catholics good reason for convening a committee of delegates to manage their petition? I know, Sir, that there are many who think the right hon. gentleman had said that he thinks, that if the Aggregate Meeting of the 9th of July had framed and signed a petition, it would have been a good and valid petition of the Catholics of Ireland. Mr. Saurin had gone so far as to say, all that was necessary, was to select some person, who could read and write, to make him copy some former petition, to sign it, and send it to parliament. Now, Sir, I feel quite sure, that if the Catholics had proceeded in this manner, we should never have heard the end of the arguments of the right hon. gent. opposite, that such a petition was no proof of the sentiments of

Digitized by Google

the Catholic body; we should have had it asserted, as it has been so frequently asserted before, that so far from its speaking the sentiments of the Catholics, many of them did not understand what emancipation meant; many of them did not desire it; and the great mass of the lower orders could derive no benefit from it. But, Sir, it so happened, that those gentlemen, who took upon themselves to advise the measures of the Catholics on this head, had some experience and precedents to guide them. In 1790, a petition was presented to the Irish parliament, from an Aggregate Meeting held in Dublin; but this petition was rejected, and for these reasons; it was called, "The act of an obscure faction, confined merely to the capital, disavowed by the great mass of the Catholics, ignorant of their sentiments, and incompetent to speak on their behalf." In 1805, a similar petition was presented to the united parliament. Let us see what a learned doctor (Duigenan) said on that occasion—"From nineteen of the thirty-two counties in Ireland, there is not one subscriber, and from the remaining thirteen but one each, and not a single name from all the Catholic clergy. How, therefore," (he exclaimed) "can this petition be said to come from the Catholic communities either of Great Britain or Ireland!" The Catholic leaders might have supposed it possible that Mr. Saurin could be capable of the great inconsistency of advising such a petition in one part of his speech, and in other parts speak thus of the Aggregate Meeting:—"An Aggregate Meeting, which assumed to itself to be a general meeting of the Roman Catholics." "An assembly, assuming to itself the domination of a general aggregate meeting of the Catholics of Ireland."—With such proofs of what objections would probably be urged against a petition of this kind, no candid person can say the Catholics had not good reason for having adopted the manner of proceeding. But the right hon. gentleman says, so far am I from objecting to the principle of an aggregate meeting, I would not have interfered, if the whole Catholic population had come up to Dublin. Now, I think, it is quite plain, from the manner in which he had been alarmed for the safety of the state, by the project of an assembly, the right hon. gentleman would be equally forward in obstructing it; and, I dare say we should have heard him descant much more on the real dangers of it: and have found him very ready in asserting, that if the Catholics had proposed a delegated committee, to that he would have no sort of objection.

Another mode of proceeding that the Catholics might have taken, was that of having county meetings and separate petitions. But every one who knows any thing of the Catholic body, its size and its various opinions respecting their own case, will allow that petitions of this description would have spoken any thing else but the unanimous and combined opinion of that great body. Besides, it might with reason be supposed, that a government that was so particularly anxious to prevent the agitation of the public mind—to prevent Catholic speech-making, would have great objections to this course. It was not overlooked that, in times which such a government might think the best, I mean in the reign of Charles 2, they could have found a precedent for an admirable proclamation of that king, against tumultuous petitions having a tendency to sedition and rebellion.

There being, therefore, such reasonable objections to induce the Catholics not to adopt either of these two plans of proceeding, there remained only one other plan, that which they did adopt, the plan of proceeding by a committee of delegates. And, Sir, I confidently trust, that when the House dispassionately examines the grounds upon which this decision can be supported, they will give their judgment in favour of them, and against the government. However absurd the opinion of lord Fingall may appear to the right hon. gentleman, that the plan of a committee was more fit to secure the public peace, than one great aggregate meeting, or several county meetings, I think that that opinion was founded on the best of reasons, inasmuch as in such a committee, there would be so much more information, so much more temper, so much interest in the quiet of the country, than there could possibly exist in an aggregate meeting or in county meetings:—that their proceedings would necessarily be more wise, more moderate, and more consistent with the peace and tranquillity of the country, than it is likely the proceedings would be of these other descriptions of meetings. It is quite undeniable, that the object of acquiring an accurate acquaintance with the real sentiments of the Catholics, could in no way be so well attained; and under the present circumstances of the times, this is no small justi-

Digitized by Google

fication of the plan. But here, let me make one observation in respect to lord Fingall. It seems to me, that the right hon. gentleman should have been the last person to make such animadversions as he has made upon that most respectable nobleman. The House cannot forget the anger and indignation with which he expressed himself, when he complained of attacks which had been made upon him in another place; and of the earnestness with which he urged the injustice of such attacks, upon a person who was necessarily absent, and had no means of repelling them. With what colour of justice, then, can the right hon. gentleman support his conduct in attributing to lord Fingall those various offences, which he has attributed to him so profusely, in the course of his speech. Lord Fingall, who is barred of his right to defend himself in his proper place in parliament, by those laws which the right hon. gentleman will not consent to repeal.

But, Sir, besides these reasons which I have given, to show the Catholics were warranted in appointing a committee of delegates, there existed the authority of established usage and acknowledged precedents to direct them. The right hon. gentleman has exclaimed, "This committee is not like any other committee," and he has also arrogated to himself, but with what justice we shall soon see, a knowledge of Irish history superior to that possessed by any other member. Why, Sir, this knowledge of the right hon. gentleman cannot extend back as far as for the last twenty years, or he could never have hazarded so unfounded an assertion; for, in the year 1792, a committee of delegates was convoked and assembled, under circumstances and forms much more resembling the forms by which we are brought together, than those by which it was proposed to elect the committee of 1811. In respect to the committee of 1792, I wish to draw the particular attention of the House to this historical fact; that in the circular letter which was sent throughout the Catholic body, calling upon them to elect delegates, there is this passage to be found, "We have the first authority for asserting, that this application" (a petition to the King) "will have great weight with our gracious sovereign, and with parliament, if our friends are qualified to declare, that it is the universal wish of every Catholic in the nation." If the right hon. gentleman will enquire how this passage found its way into this letter, he will learn that the authority alluded to is the British government, over which Mr. Pitt presided; and, therefore, I argue, that the committee of 1792 arose out of the recommendation of the British government.—By looking further into this circular letter, it will appear, that forms of returns were sent down to the country in the blanks, for the names of the persons elected. That in the first place, each parish chose a certain number of electors, and that these electors chose the delegates. That the delegates met in Dublin in 1792; sat from day to day, debated the whole of the Catholic affairs: and not with less spirit, or in a manner less sparing of their opponents than the committee of 1810. Lord Westmoreland was at this time lord lieutenant, but at that day it was not the fashion to look at a Catholic convention with the same alarm with which such an assembly is now regarded. This convention sent their petition to the King by deputies of their own body, and so far was Mr. Pitt from treating it in the way the present government have acted towards the new committee, that he presented them to the King on the 3d of July, 1793, and on the 10th of January, lord Westmoreland told the Irish parliament in a speech from the throne, that he had the commands of the King to recommend it to them, to take the state of the Catholics into their consideration. Soon after the act of 1793 passed, declaring the loyal demeanour of the Catholics, and giving them considerable constitutional privileges.

But besides this precedent of 1792, there existed precedents of a succession of Catholic delegated committees, from 1753, to lead the Catholics or their late decision. The Catholic Committee of 1757, which originated with Mr. Wye, was a committee of delegates, and so were all those which at various periods, by their persevering and patriotic zeal, have obtained for the Catholics every concession that has been made to them. These committees have been recognized by a succession of Irish administrations, in 1757, 1771, 1777, 1782, 1790, 1792; in 1803 and 1805, by lord Hardwicke, recognised by him in a most unqualified manner; by the duke of Bedford, in 1806; and by the duke of Richmond in 1808, 1809, and 1810, until some change had taken place in his counsels.

Digitized by Google

But, Sir, the right hon. gentleman has charged the Catholics with a wilful and premeditated violation of the law. He says they must have known that the law was as the government declared it to be, and that they have acted as bad subjects in resisting the law. The House will consider, however, before they adopt the same opinion, whether the Catholics had not as good reasons for not taking the construction which government have given to the law, as they had for selecting the plan of petitioning by a delegated committee. The House will, in the first place, see, that if the Catholics examined the history of the Convention act, that they would discover it never was intended by those who framed and made it a law, to prevent delegation for a preconceived object. I will not occupy the time of the House by reading what has already been mentioned so often, and never refuted, the declaration of lord Kilwarden, that the Convention act was not intended to prevent conventions assembling to carry into effect a preconceived object. But I beg leave to call the attention of the House to the following explanation of it by major Hobart. It rests on the authority of a most respectable citizen of Dublin, Mr. O'Donnell. At the meeting of July the 31st, he made use of these words, "On seeing this act pass, many gentlemen who then took an active part in Catholic affairs, applied to the Secretary to know whether this was levelled against them?" I can state the words of major Hobart on the occasion. 'You are,' said he, 'uneasy without cause; the act has no retrospect to your late convention, for it is designed to prevent any general meeting of Irishmen, such as was held at Dungannon.'—Surely this authority is sufficient to set at rest, for ever, all doubt on the subject. But if the history of the law might lead the Catholics with reason to question the construction given to it by government, will not the letter of it give them further reason to do so? Let us suppose a Catholic really wishing to form a fair judgment upon it, to read this act: will any man deny that he might have read it, and understood it according to the just construction to be given to the language contained in it, without thinking it unlawful to be a delegate or elect a delegate; Every one must acknowledge, that if he gave to the word 'pretence' the sense which it conveys in common parlance, he could not feel that he would commit the crime created by the act, by electing, or acting as a delegate. But if such a Catholic should wish for a better interpretation of the law than his own mind could afford him, was it not possible for him to find opinions of lawyers, differing from the opinions of the crown lawyers, though of as great or even greater authority? Might he not have rested his judgment on the provision of the act? Under all these circumstances, therefore, I maintain the right hon. gentleman is not borne out in his charge; that the Catholics wilfully and knowingly violated the law.

Having now, Sir, found that the Catholics had good reasons for petitioning, that they had good reasons for appointing a delegated committee; and that they had good reasons to doubt the construction given to the Convention act by the government, I would ask the House with what authority could a great officer of the crown, the Irish Attorney General, make use of the following language in his speech, on the trial of Dr. Sheridan? "I trespass on your time, in ardent expectation of allaying those discontents, and abating that fever and ferment, which treason and seditions have excited. I am sanguine in expecting that the result of the proceedings of this day will be to frustrate the designs of treason."—"Many of them, by these arts and speeches, are working the work of the United Irishmen, in the cause of separation and revolution."—"This National Convention,"—"This National Assembly."—"I cannot but conclude with the position on which I originally set out, that this project is the plan of the design of some, whose object is the separation of the two countries—a revolution." This is the language which we find in a correct report of the speech of the Attorney General. I however appeal, with great confidence, to the House, for their judgment, that such language is not borne out by the conduct of the Catholics, but conveys insinuations against them altogether unfounded.

The right hon. gentleman has thought proper to impute great blame to the Catholics for what he finds written in a pamphlet, which he calls a Report of a Committee of Grievances. The evidence by which he proves it to be such a report, is somewhat curious. He produces two pamphlets, and says, here is a pamphlet containing an account of the laws which aggrieve the Catholics, pub-

Digitized by Google

lished by H. Fitzpatrick. Here is another pamphlet, called the State of the Catholic Cause, published also by H. Fitzpatrick; and in the preface of this pamphlet there is a note, as follows: "This Report of the Sub-Committee of Grievances, is now published by Fitzpatrick." Therefore, the right hon. gentleman infers, that this is that report, and the whole of the Catholics are to be judged by it. I am sure, Sir, I may safely say, that the person who wrote this note, had no authority to call the first pamphlet a Report of the Sub-Committee of Grievances. No such committee ever existed. The committee of 1810 did certainly appoint a sub-committee to examine what laws there were in existence operating against the Catholics; and it is true that their enemies gave it the nick-name of a Committee of Grievances; but the object of the appointment of this committee was merely to obtain information which was wanting for the preparing of the then intended petition. As far as I am informed on the subject, the sub-committee never made any report on the laws; and the pamphlet which gives an account of them is, in point of fact, the work of a most respectable Catholic barrister, who alone is responsible for it. As to the several parts of this work, on which the right hon. gentleman has made his animadversions, was it not for the lateness of the hour, I would follow him through them, and show the House that he is wrong, and the author right. The statement of the physical power of the Catholics is a true statement, and if it is alarming, those who resist their claims are alone to blame. It was called for by the statements of those who have falsely under-rated the power of the Catholics. If it be a crime to tell the truth, then, indeed, may this pamphlet deserve the censure which has been heaped upon it; but those who can read it without prejudice and passion, will approve of it, and derive great advantage from their trouble, as they will thereby acquire an accurate knowledge of the real condition of the Irish Catholics. Before I quit this part of the subject, I must be allowed to say, that it gave me great pleasure to find the right hon. gentleman did not allude to the attack which has been made on this work by the Corporation of Dublin, and that he thus has contributed to expose its futility and folly.

The right hon. gentleman has rested the defence of government upon the opinions of the law officers. He seems to suppose that he has completely cleared himself, by proving that he acted under their advice. He says this committee was most dangerous, and that being the case, he consulted the law officers, and enforced the Convention act. But I insist upon it, that it was a false and impolitic decision to consider this committee so dangerous as to warrant the application of this law. There was nothing in the proceedings of the Catholics to justify the slightest alarm for the public peace. The right hon. gentleman has made use of a most curious argument to justify what has been done; he says, No one in the last session denied the legality of enforcing this act. I have looked over the reports of what then happened, and so far from that being the case, I find that I and others who took a part in the debates, distinctly denied both the policy and legality of applying it. But this wise government have failed in an equal degree in respect to the Catholic cause, for instead of impeding its progress they have advanced it. Had I been asked twelve months ago, what measures I would advise as a friend to Catholic emancipation, I would have said, take those steps which will rouse the Catholics from their inactive habits, which will dispel their absurd divisions, which will make them fully sensible of their own case, which will lead them to be loud and incessant in their applications to the legislature; and, if possible, some measure which will bring over their Protestant fellow-countrymen to their side. All this has the government done in a manner the most complete. Activity, union, and a determination to persevere in petitioning, prevail every where; and as to the Protestants, their sentiments have been so unequivocally expressed in favour of the Catholics, that I may say, if the concession depended upon them, that almost four-fifths of that body would be ready to grant them; a fact of no small importance, because they are the very persons who best know the Catholics, and who are most interested in their question.

But, Sir, the recent measures of government have not only brought over the Protestants of Ireland, they have also produced a very general alteration in the sentiments of the people of England: so much so, as to have removed nearly all the

Digitized by Google

the difficulty on that head which existed in the way of emancipation. When, Sir, I compare the reason which the government have adverted to in justification of their conduct, with the actual circumstances of the case, and see how exaggerated and unfounded their statements are, I cannot avoid attributing to them objects different to those which they profess to have had in view. I do believe that they were desirous of preventing the Catholics from petitioning with effect. If the Catholics had adopted the plan of a petition from a Dublin meeting, which would have been a petition of no sort of efficacy, to this the government would not have objected: if they had adopted the plan of county petitions, which would also have been without efficacy, to this the government would not have objected. But when they did adopt the only plan by which the common prayer of the whole body could be laid before the Prince Regent and parliament, then the government, let the consequences be ever so dangerous to the state, began their attack, and left no effort untried to impede the success of the Catholics. Nor can I avoid suspecting that a design still more culpable was at the bottom of all their measures. For let it be understood, that every thing that has passed since July has been with the sanction of the English cabinet; that the prime minister is most immediately responsible. When therefore, we consider under what circumstances the Catholics stand in respect to his royal highness the Prince Regent, and under what circumstances the ministers stand with respect to both, may it not be conjectured that he would have lent his aid to efface from the mind of his Royal Highness those impressions which have always been thought to be favourable to the Catholics? When, Sir, we recollect that we are now in that state, which leaves us no other security for our political existence but our internal resources; when we see ourselves on the eve of a war with America, the policy does appear to be so obvious of accepting the enthusiastic co-operation of this great and generous people; and the opposite policy so insane, of rejecting their offers, and flying to a system of unusual violence against them, that I shall most cordially support the motion for going into a Committee to inquire into the State of Ireland.

Lord *Castlereagh* said, that as he had already had various opportunities of expressing his opinion on the general principle of the Catholic claims, and of explaining every circumstance in which he was considered personally implicated in the question, it would not be necessary to detain the House long upon those points. He had at different times distinctly stated, that there had been no promise given to the Catholics; but that he had always considered, and had never hesitated to express the opinion, that he thought, that in a statesman-like view of the question, the measure of the Union would be incomplete without some concessions to the Catholics, and that their claims were likely to meet with fewer obstacles in a parliament of the empire, than in a parliament such as the Irish parliament was at that time; but he had never supposed, that such claims could be granted without some arrangement being devised, which would be satisfactory to the feelings of the Protestants as well as Catholics. Although he agreed in the general principle laid down by the noble lord, it appeared to him, that he had not sufficiently weighed the difficulties which were in the way. It appeared to him, that there was nothing more likely to injure the cause of the Catholics, to run down their character, or to give spirits to the common enemy from the hope of internal disunion, than the vague and indistinct manner in which this question had been brought before parliament year after year. He deprecated, also, those vague epithets and accusations, by which those who were of one side were charged with intolerance, and those on the other of indifference about the security of the constitution. He wished the real difficulties of the case to be fairly sounded: and when the question should be divested of all the difficulties which did not properly belong to it, he then wished that the principle of the claim should have fair play. In that case it would be for the deliberate wisdom of parliament to determine, whether concessions made to the Catholics might not be made perfectly reconcileable to the securit of the constitution and our establishments. He hoped that there would never be any indisposition in the Catholic mind to submit their claims fairly to the deliberate wisdom of parliament; and whatever might be the decision, to unite themselves heartily with the rest of their countrymen in opposing the common enemy.—The subject of the Catholic claims had usually been considered in three different points of view. There was

Digitized by Google

one class who considered it as a question of strict right, and as such, thought that it ought not to be coupled with any other considerations. There was a second class (to which he belonged) that were favourable to the granting those claims, but who thought that the concession should be coupled with guards to the constitution more effectual than the present restrictions. The third class, who appeared not to have looked so deeply into the question, professed a determined resistance to the claims. He never, however, heard any class say, that the claims ought never to be conceded under any circumstances; and he thought the right hon. and learned gentleman (sir John Nicholl) had been misunderstood upon this point. He had not mentioned a final decision as extending to all times, but only as applying to the indefinite grounds upon which the motion rested. As to those who contended for the measure, as a measure of strict right, he thought that it was unfortunate for them that the decision of parliament was not had on that particular point. The feelings of the Catholics now appeared to be, to turn their backs upon every thing in the shape of regulation; but if the bare claim of right had been left to the decision of parliament, they would have found, from the very small number of supporters it would meet with, either in that assembly or in any other deliberative assembly, that it would be much more for their advantage to receive concessions in the way of an arrangement and a regulation. He could not conceive it to be proper policy for that House, either upon the present or any other occasion, to resolve itself into a committee to enquire, when no individual member had been able to suggest to them a tolerable idea of what it was expected that such a committee would be able to do. As for the Catholic mind, he could not suppose that it was now very materially altered from what it was when he had communications with them, and when he supposed such an arrangement was practicable. A right hon. gentleman, (Mr. Grattan,) who had been the chief advocate of their claims in that House, and who had certainly brought forward those claims at all times in a manner the most likely to produce conciliation, had stated, on a former occasion, that he would not propose the measure without conceiving that it might be coupled with such an arrangement as would protect the country from any patronage exercised by the Pope, who might be under the controul of the foreign enemy. He would wish to ask the right hon. gentleman this day, whether such was now his opinion, and whether the Catholics coincided with that view? He had been informed, that the Catholic clergy would consent to no such arrangement; and that they had stated, that from the deference which they owed to the Pope, they could not agree to it without his full consent. They represented, that they would consider it a crime to take advantage of the present weakness and captivity of their sovereign pontiff. Here, then, a very serious difficulty occurred; and it remained to be seen, whether there were not means of making such an arrangement, that the church of Ireland might be as independant of the Pope, as, by other arrangements, the church has become in many other Catholic countries. It would be necessary on this point to look to the Catholic mind and judgment in other countries. He conceived that it would be infinitely more for the interest of the Catholic body that such an arrangement should be made, as the ecclesiastical as well as the lay part of their community could agree to. In the year 1801 he did feel that there was a difficulty almost insurmountable in the state of the public mind at that time upon the question.—There was also another obstacle which he had then despaired of being able to overcome. A very strong impression prevailed in a very high quarter against those claims. It was no transient opinion that there was hope of being able to change; it was a fixed principle, proceeding from the feeling of an obligation imposed under the sanctity of an oath. With such an impression on his mind, this was a case in which that high person could not be expected to take the advice of ministers. If the two Houses of Parliament had passed the measure, there was every reason to suppose that he would have given the negative which the constitution allowed him to do. In such circumstances, and to prevent the royal negative being given, if the two Houses had agreed to the prayer of the petition, he thought that it was much the best way not at that time to agitate a question which could not then be successful. For his part, he was not one of those who entertained such an opinion of the effect of the coronation-oath. He never thought that the oath could have validity to interfere with the decision of

Digitized by Google

the legislature on any question relating to the public good; but still the obstacle was of a nature which could not be surmounted.—With respect to the transactions which had recently taken place in Ireland, he wished to put the most favourable construction on the conduct of all the parties. He thought that the Catholics were entitled to a considerable degree of forbearance. As to those parts of their proceedings which appeared most deserving of blame, he must say, that he believed that there was no member of that House who had ever attended popular meetings, who did not know that often the speeches of one or two men, gave a colour to the whole proceedings of the meeting; although often the real sentiments of the majority of persons present were very different. He hoped that this was the case with the majority of Catholics present at these meetings, but he must say, that nothing could be more impolitic than the course which they pursued. If the Convention act did not apply to such a convention as theirs, he was at a loss to know to what case it could possibly apply. If the law was doubtful, it might become the duty of the legislature to explain it; but he could not conceive there was the least rational doubt with regard to its meaning. Was it possible that any government could exist among conventions of this nature? If the Catholics might thus sit in convention, notwithstanding the law, there was nothing to prevent the worst classes of the community, the Thrashers for example, from being also represented in a convention of their own. The Convention act was certainly first introduced by lord Clare, to oppose the influence of French principles, and the efforts of the United Irishmen, who openly avowed that their object was to connect the great mass of the population of the country, with a convention which would be thus able to overawe the legislature. He was free to admit, that he did not believe that the Catholics had assembled with any mischievous intentions (Hear, hear!); but he believed they had imagined, that assembling such a body in the city of Dublin would give an extraordinary weight and authority to their petition. If the Catholics had, however, been permitted to hold their conventions, an example would have been set to any body of men, whose intentions really were mischievous, to form conventions, and endeavour by this means to wield the physical force of the country. He thought that the Catholics had lately engaged in a most unwise conflict with the legal authority of the country; but whatever intemperance there might have been in their proceedings, that would never alter his general opinion of the merits of their case. He thought that they imposed upon the judges of the land difficulties, which, in point of feeling, they ought not to have imposed upon them. He thought that they threw a difficulty, which they ought not to have done, upon the Attorney-General, in forcing him to bring such a man as lord Fingall before a jury. How great must be the difficulty of persuading any jury that such a man as lord Fingall, so peaceable and exemplary in his conduct, could have any criminal or improper motives! He thought that the Catholics had also acted very hastily and wrong, in the great irritation which they expressed latterly at the conduct of the duke of Richmond, whose government they had before confessed to be founded not only on the principles of forbearance, but on the greatest benevolence and impartiality to all parties. Every one who knew the character and the principles of that noble duke, must be convinced, that their anger against him was without just cause. The Catholic body, in fact, never appeared to less advantage, than when they were debating in conclave. As to the right of petitioning, what was there to prevent them from the old British constitutional mode of petitioning by counties and by districts? He hoped that the Catholics would now for ever close their book of conventions, and proceed in the old regular way of petitioning. He would allow, that it was highly natural for the Catholics to feel severely those restrictions which placed them on an inferior footing to the rest of their fellow subjects. He really thought that many gentlemen were completely mistaken in supposing that the Catholics would gain much political power by this measure, as it appeared to him that they now enjoyed a certain share of it, through those Protestant representatives chosen by their influence; and he would just as soon see Catholic gentlemen representing the Catholic influence; as see Protestants in that situation. The noble lord concluded by declaring it as his opinion, that it did infinite mischief to the Catholic cause to have the subject agitated so frequently in Parliament, without one practical measure being proposed which had the least chance of meeting the views of

Digitized by Google

all parties, in reconciling the concessions to be made with the securities to be provided for the constitution. On the general principle, his opinion remained unaltered; and he only wished to see some practical plan proposed which was likely to be acceded to. Until that was done, he thought those endless discussions on the subject did great injury to the cause, by committing members in a manner in consequence of the votes they had already given.

Mr. *Whitbread* rose at the same time with another hon. member, but the House expressing a general wish to hear Mr. W. he began by declaring his regret, unconnected as he was with Ireland, except by being a member of the united parliament, to prevent other hon. gentlemen from delivering their opinion on the subject; but, protracted as the debate had been, the speech which had just been made by the noble lord rendered him extremely anxious to assign his reasons for the vote he should give. The noble lord had complained of the indistinct and indefinite nature of the motion before the House; he had termed the discussion an unintelligible one, and yet, to do the noble lord ample justice, he had contributed his full share to that unintelligibility, (A laugh.) He (Mr. W.) was now, as he always had been, a warm friend to the consideration of the Catholic claims. Agreeing with the noble lord in some of his general propositions (as well as he could understand them) he entirely differed from him in thinking that the attainment of those claims had been retarded by the discussions to which the various motions on the subject had given rise. On the contrary, he maintained that discussion alone had raised the Catholics from that state of abject slavery in which they were once plunged—that to discussion alone were the Catholics indebted for all that "light and life" which they already possessed—and that to discussion alone would they owe the acquisition of those rights and privileges which were yet withheld from them. Instead, therefore, of advising them to remain in the state of torpor recommended by the noble lord, his strenuous advice to them would be to reiterate their claims until they obtained the accomplishment of their just wishes. The noble lord had balanced the difficulties and dangers which attended the question on both sides. He had enlarged on the necessity of securities for the constitutional establishments, and yet the noble lord had concluded by admitting (with what consistency he would not pretend to determine) that one of the best of those securities would be created by allowing Catholics to sit in parliament. Notwithstanding this admission, the noble lord arraigned, with great vehemence, the noble lord who originated the present discussion—his right hon. friend near him (Mr. Grattan)—and even that great man who first brought the Catholic question under the consideration of the united parliament, (Mr. Fox,) for the indefinite nature of their respective propositions. But surely if the House had a right to apply to any one to take the question out of this undefinable state, it was to the noble lord himself; who, for the first time, had that night introduced into the debate the King in person (Hear, hear!) The noble lord, not thinking that the King was bound by the coronation oath to resist the Catholic claims, had nevertheless confessed that he had placed himself between the Catholics and the crown. The noble lord professed himself to have been the champion of the crown in this affair. Yet, what had he done? He had shrunk from the side of the crown, and with his colleagues had retired from office. Why? Because they could not carry the question of the Catholic claims. Not because the people objected to them—not because parliament objected to them,—but because the King objected to them, the noble lord and his colleagues left the cabinet, and his Majesty called to his counsels men who were willing to take on themselves the responsibility of resistance to the Catholics. At the time of the Union, the noble lord (to use his own words) formed "an important feature" of that compact; but he now denied that at that period there was any specific promise that the Catholic claims should be granted. True. But there was a distinct understanding, not merely that the subject should be discussed in the united parliament, but that the claims of the Catholics should be backed by all the talents of Mr. Pitt, all the weight of the noble lord (then chief secretary for Ireland) and all the influence of lord Cornwallis. Well did the noble lord know that without such a tacit agreement the Union could never have been effected. With all the money, with all the promises, that had been lavished—and "with all means and appliances to boot," the Union would never have been effected had not the Catholic body been won over by a

Digitized by Google

distinct understanding that their claims would be conceded. It was much too late, therefore, for the noble lord to talk of the insuperable difficulties arising from the state of the Catholic clergy and laity, and the necessity of securities for the established church. Having agreed at the period of the Union to bring forward and support the Catholic claims, unless the noble lord had at that period arranged in his own mind a definite plan by which such an important object might be attained, he had been guilty of little less than treachery in holding out expectations of success to the unfortunate and suffering Catholics. But how was the question respecting these difficulties to be decided? The noble lord talked of the impossibility of parliament's legislating without any communication from the Catholics as to their assent to or dissent from the measures that might be proposed. But what arrangement had the Catholics in their power to suggest, prevented as they were from assembling for that purpose? Their meetings might be pronounced legal by one jury, and illegal by the next. And yet, without being warranted in the assertion by any information received from the general body, the noble lord declared that the difficulty regarding the King's Veto on the appointment of Catholic bishops could not be overcome. The claimants, it was contended, would not now give up that point; and the noble lord had told the House, that the Catholic mind was not prepared for receiving the concessions which it was proposed to grant. Strange assertion! That four millions of petitioners, who came respectfully presenting their prayers to parliament, were not prepared properly to receive that for which they asked! But if the state of the Catholic mind was not perfectly satisfactory at present—would the noble lord venture to assert that at the period of the Union the Catholics were not disposed to concede the Veto? If so, all the change that had taken place, all the irritation that had been produced, was attributable to the delay which the Catholics had experienced in the attainment of their just claims. To the noble lord and to his colleagues must be ascribed their present exasperation and feelings of discontent, which he prayed to God might not increase to a much more alarming extent.

The right hon. secretary for Ireland (Mr. Pole) in his speech last night, seemed to think that the whole of the debate related to himself and to his own little actions, and was extremely displeased at the order in which the various speakers had risen; wishing, no doubt, to have marshalled them according to his own fashion. The House had certainly to complain that the person with whom the Irish government communicated (the Secretary of State for the Home Department) had not hitherto thought proper to favour them with his opinions on the subject: But perhaps the time of that right hon. gentleman was too much engrossed by the consideration of the Police of the metropolis and the state of the Nightly Watch (A laugh.) With that exception, he really saw no reason to complain of the order in which the speakers on the present question had succeeded to each other. There had been—first the noble lord who began the debate, then the learned civilian opposite to him, then a right hon. privy counsellor, then a learned lawyer on the other side, and so on, in very fair and regular alternation, until they concluded with the noble lord who combined in himself all these various characters. The right hon. and learned civilian (sir J. Nicholl) who was connected with the Church Establishment, and who seemed to stand in the place of another learned doctor and privy counsellor (Dr. Duigenan,) had made a long address to the House in a style very similar to that of his able predecessor (a laugh.) According to him, all the rescinded statutes of the penal code to which the Catholics had formerly been subject, ought to be re-enacted for the purpose of producing tranquillity in Ireland; but at the same time he professed himself (with what sincerity it was for the House to determine) extremely averse to shutting the door against any future consideration of the Catholic claims; and the noble lord had further explained for the right hon. and learned gentleman, that he meant nothing more than to object to indefinite measures. Such had been the effect of repeated discussions on this most important subject, that all concurred in the opinion, that some day or other the claims of the Catholics ought to be conceded; but it so happened, that every hon. member who spoke from the other side of the House, after admitting the propriety of the concession, terminated his address by exclaiming "Oh, but the time is not come!" They were all emancipators; but none of them would go into the Committee to consider the best mode of ascer-

Digitized by Google

cipation. The Catholic question seemed to be much in the same state as the question for the abolition of the Slave trade had once been; and in which it would still have been, had the arguments of the gradual abolitionists been listened to.—All were abolitionists; but none would abolish it, for "the time was not come." The right honourable and learned civilian had maintained, that the great body of the Catholics were not at all affected by the exclusions under which they laboured; the operation of which was confined to the gentlemen of the country. This assertion had been admirably refuted by the right hon. gentleman who followed, (Mr. Canning) in a speech, one of the most distinguished for eloquence which had ever been heard in that House. One part of that speech, however, he could by no means approve. It was a passage which savoured strongly of the doctrines of that administration, to which in its commencement the right hon. gentleman had belonged, comprehending as it did a sort of jogging to the country to be ready to renew the cry of "No Popery." Of the other parts of the brilliant effusion to which he had alluded, it was impossible to speak too highly. "Oh, profound ignorance of human nature!" had that right hon. gentleman eloquently and justly exclaimed, when he adverted to the argument that the exclusion of the higher orders from offices of dignity and state would not operate to the discouragement and depression of every class of the community. Was it not most exhilarating to witness, as the House had done last night, a gallant soldier, a native of the sister island (general Cole, see p. 492.) take his seat after a long absence spent in military service, and receive the highest gratification which a military man could experience—the thanks of the representatives of a free people? It was a circumstance which the posterity of that gallant general would take a pride in recollecting, while the eloquent and impressive terms in which the thanks of the House were conveyed, would be read with sensibility by the successors and descendants of him who delivered them. (Hear, hear!) But what would have been the feelings of a Catholic nobleman, blessed with virtuous, brave, and well-educated sons, who by any accident might have been a spectator of this scene? Would he not, in the bitterness of his heart, have exclaimed, "My sons may bleed and die in the defence of their country as ensigns and captains—they may tread the paths of glory, and deserve the honours which general Cole has received, but reap them, alas! they never can!" (Hear, hear!). Was it surprising that the Catholics should show repeated symptoms of indignation at distinctions so utterly unreasonable? It was a natural feeling; and the consequence of it had been, that many Irishmen, ardent, brave, and enthusiastic, full of honour, eager for distinction, and unable to submit to those restrictions which limited their views of promotion in the British service, sought in foreign nations for that glory which they were denied at home. To this cause was it owing that a Lacy, a Lally, a Sheldon, an O'Farrel had devoted their military talents to the service of hostile countries. To this cause was it owing that in almost every great battle which had been fought on the continent—in the fields of Blenheim, of Ramilies, of Malplaquet, of Fontenoy, Irishmen had been brigaded against us. Such had hitherto been the case, and such must continue to be so. If the same barrier were interposed, the same effects would follow. Step by step the Irish Catholics had acquired the privileges which they possessed. Their spirit and intellect had burst forth with additional ardour since the removal of the restrictions in 1793. This ardour must have vent. If we were not prepared to engage them on our side in the great battle which we had to fight with our inveterate enemy, we should find both the physical force and the intellect—both the men and the minds, leagued against us. (Hear, hear!) Reverting to the speech of the right hon. gentleman opposite (Mr. Canning) he repeated his testimony to the singular eloquence by which it was distinguished. An hon. member had characterised that speech as 'satis eloquentiæ, 'sapientiæ parum.' In this description of it he could not concur. He would rather say 'satis eloquentiæ, sapientiæ satis.' Yet he felt no surprise that the arguments of the right hon. gentleman had failed to produce conviction in the mind of the hon. gentleman, for they had actually failed to produce conviction in the mind of the right hon. gentleman himself. (A laugh.) Nevertheless the right hon. gentleman was last night in a situation in which something different might have been expected from him. Last night he was himself emancipated. He had shaken off the trammels of office—he had

Digitized by Google

escaped from the influence of his late colleagues—his genius, with its plumage all bright and resplendent, had taken a full and unrestrained flight into the regions of truth and eloquence—but what was the result? Labouring to convince every body else, the right hon. gentleman could not at last obtain his own vote. (A laugh.) As he listened to the right hon. gentleman's polished periods, he could not help asking himself, "Is this really the man who has hitherto been the enemy of the Catholic claims—who when in office distinguished himself as the strenuous opposer of Catholic concession—who concurred in the vote which went to disqualify a Catholic from being a Bank Director in Ireland—who was of opinion with his late colleagues that it was dangerous for a Catholic to become an admiral or a general—who joined in recommending the prototype of the right hon. and learned civilian opposite, as a fit person to be made a privy councellor to the crown?" Alas! such was the inconsistency of human nature, this was the very man! This was he who could now concede the Catholic claims, provided certain animosities were allayed, certain prejudices done away, and tranquillity restored. These conditions were as unreasonable as those of the right honourable and learned civilian. There were no grounds whatever for supposing that tranquillity could be restored till the concessions were granted. The right hon. gentleman stated as a preliminary, that certain prejudices should be removed and certain animosities allayed. Who had done so much to excite the one and to inflame the other, as the right hon. gentleman and the government with which he had acted? In 1807, those prejudices and animosities did not exist. In 1807, the whole of Ireland was tranquil. The member for Northampton, however, thought proper to raise the cry of "No Popery." On the wings of that cry he flew into power, and was accompanied by the right hon. gentleman who now professed himself to be so anxious that the minds of the Catholic population should be tranquillized. Might he (Mr. W.) not exclaim as he contemplated these occurrences, "Oh! inexplicable inconsistency of human nature!" (Hear! hear!)—But when the right hon. gentleman talked of objecting to the present motion, on account of the notice which had been given by an hon. friend of his (Mr. Hutchinson) of an intended motion for the repeal of the legislative Union between Great Britain and Ireland, he really could hardly help supposing that the right hon. gentleman was laughing at the House. The right hon. gentleman declared that that intended motion was of such a nature, that in his opinion no man would be found to vote for it—that it would be as reasonable a proposition to recommend the restoration of the heptarchy—and yet it was to operate as a bar to the consideration of the Catholic claims! For himself, he was ready to admit that the intended motion of his hon. friend would not have his concurrence. He wished the Union between the two countries to be consolidated—not annulled. But how was it to be consolidated? By the adoption of those very means which Mr. Pitt and the noble lord opposite, and the right hon. gentleman himself, once declared themselves disposed to adopt (in which declaration the Catholics had placed implicit faith) not, indeed, by express stipulation, but by the tenour, the understood conditions of the Union. If those means were now rejected, it was not a dissolution of the Union alone that might be apprehended, but a dissolution of the empire.—The right hon. gentleman had talked much of the menacing attitude which Ireland had assumed, and of the impolicy as well as the degradation of submitting to this threatening aspect. To him (Mr. W.) it appeared, that we first drove Ireland to the necessity of assuming that attitude by our repulsive tone, and by our refusal to accede to the claims of that country. But did not all historical evidence contradict the right hon. gentleman in his declaration of the impolicy of conceding to menacing attitudes? In the reign of Elizabeth, considerable concessions had been made to the Irish, and surely their attitude was as menacing then as now. Queen Elizabeth also exhibited her knowledge of what was necessary for the security of the state in the concessions she made to the Low Countries. But she was a great princess, and knew how to give. She knew how to bestow as the boon of her free grace, what, when she gave it, was received with gratitude, and repaid with attachment. Other sovereigns knew only how to withhold; and at last they had been compelled to yield to menacing attitudes. Had this not been the case in the disputes with America? And yet at that period there were persons who talked as big about menacing attitudes as they did now. But to the menacing atti-

Digitized by Google

tude of America, they had been forced to yield.—America had since grown to be a state of importance, and with America there seemed to be at present little prospect of avoiding a war—a war, not with "rebels" as they had once been termed, but with an independent people, rendered so by the same conduct on the part of the British government, as that which had been pursued towards Ireland? (Hear! hear!) The right hon. gentleman said, that a new era had dawned upon the Irish—that the day star of their liberty had appeared. And was it not to be supposed that the people of Ireland, notwithstanding the strong respect and attachment which they had always manifested for his Majesty, had watched for this new era with all the fondness of devotion—had hailed its arrival with all the ardour of gratitude? They supposed it to be commenced, and they asked "Can you now take our claims into consideration—can you now listen to our grievances?" "No," replied the right hon. gentleman, "you must first remove your prejudices, you must first allay your animosities, and then we will talk to you." What must be the disappointment of the people of Ireland, at hearing this language! Could the arguments of the right hon. gentleman diminish its poignancy, even if they would listen to them? Were they to wait for the extinction of religious prejudices, that phenomenon, which had appeared only in Switzerland? In the Swiss Cantons for above 200 years, and until the accursed period of the French invasion, such an amicable fellowship was preserved in matters of religion, that in many places the Protestants and the Catholics used the same church, the one sect in the morning, the other in the afternoon. Yet the Swiss, too, had in the beginning quarrelled and fought about religious opinions; their natural good sense made them soon bury those dissensions in mutual forgiveness; but had the right hon. gentleman been their adviser, their differences would probably have lasted to the present day. The proposition contained in the right hon. gentleman's speech, seemed to be the most unphilosophical one; that effects ought to be made to precede causes. The cause that would remove prejudices, the cause that would restore tranquillity, was concession. Let that be granted, and the effect would necessarily follow. "But," it had been asked, "what have the Irish Catholics to give in return for this concession?" To this he would answer, that they had nothing to give but all their affection, all their energy, an united empire, and security against every foe. Was this nothing? Were not these advantages worth obtaining? (Hear! hear!) The right hon. gent. had endeavoured to illustrate his argument by an allusion to what took place in the reign of Henry the 4th of France, that great prince, who, if any monarch ever deserved the appellation, might justly be called the delight of his people. What did Henry the fourth do? He conceded the claims of the Hugonots, and all dissatisfaction ceased. The Hugonots were not, as had been represented that night, a small and unimportant body. They were numerous and powerful; and Sully, that admirable minister, that pattern for all statesmen, that upright, wise, and conscientious adviser of his sovereign, declared in the very same page, in which he recorded the Edict of Nants, that the boldness of the Protestants had never risen to such insolence as at the very moment when the Edict was issued. Henry, however, was not to be deterred by that circumstance from complying with their just and reasonable claims. But, supposing the right hon. gentleman had been Henry the fourth's minister, what would have been his counsel? "True it is," he would have said, "that your majesty is well disposed towards your Protestant subjects; true it is that all your majesty's subjects, and your Protestant subjects in particular, think the time is come for discussing their claims and listening to their grievances; but certain petty objections exist, certain little prejudices must be removed, certain paltry animosities must be allayed; and I advise your majesty therefore not to suffer the subject to be now even taken into consideration." Such would have been the right hon. gentleman's advice. But Henry the fourth would have spurned such a minister from his presence. He was a model for sovereigns. His plumes, whether in the civil or the military career, always pointed to the path of honour. He (Mr. W.) trusted that the plumes under the shadow of which this country now reposed, would acquire as truly glorious a direction; and that Catholic emancipation would give to this expectation the fondest presage of reality.

He would now proceed to consider the conduct of the Irish government with respect to the Convention-act. While he complimented the activity, and he really be-

Digitized by Google

lieved the purity of motive of the Chief Secretary for Ireland, he must say, that that right hon. gentleman had shown something like an anxiety to see the Catholics resort to strong resolutions and measures, that he might have an opportunity of retaliating upon them. Nothing, however, could be more impolitic or more mischievous on the part of any government, than to goad on a people to illegal acts and deeds of desperation. As to the Catholic Committee, although he could not presume to discuss the question as a question of law, yet he would observe as an unlearned man, that *à priori* he could not conceive that the Convention act could have been framed to prevent delegates from being appointed in a lawful cause. If the wishes of the Catholic population were to be collected, how was it to be done but by delegation? The primary matter for consideration was, if they could meet by law? He thought they could. But he would go further; and maintain that, if no inconvenience resulted from their assembling, the law ought not to be allowed to touch them even if by possibility it could be strained so as to reach their proceedings. Subsequently to the passing of this Convention act, in the year 1793, he had seen and dined with a Catholic delegation in England. They were acknowledged and received as such by Mr. Dundas, who was the Secretary of State for the Home Department. When the Secretary however professed his readiness to lay before his Majesty any communication which they might wish to make, they replied, "No; we will either see the king of Ireland ourselves, or go back to our own country." They were as good as their word; they did see the king of Ireland; and the consequence was a recommendation from the crown to parliament to grant the Catholics the concessions which they then obtained. In this country there were committees and delegations, who acted for bodies of individuals in matters both of commerce and of religion. Of this latter description was the committee of dissenters, whose meetings were last year occasioned by the ill-advised bill of a certain noble viscount, (lord Sidmouth.) There committees acted by delegation; and why should the Catholics of Ireland be debarred from availing themselves of the means of expressing their sentiments which were enjoyed by their fellow-subjects in Great Britain? When the Irish Catholics were in possession of these facts; when they knew that other societies of men had been allowed without objection to appoint delegates to carry their purposes into effect, was it not natural for them to ask why they might not be permitted to exercise the same privileges? He saw nothing in the Resolutions of the Delegates which militated against them, "But then," it had been said, "intemperate speeches were delivered there." Suppose they had, was that a sufficient reason for such rash proceedings as had ensued on the part of the Irish government? If the Catholic Committee had met unfairly—if it had assembled for purposes not such as were ostensibly held out, it might then with propriety have been dissolved: the Chief Secretary had the power so to dissolve it. But when the persons who were officially detached on the affair reached the place of meeting, the business was over; lord Fingall had left the chair; and those persons were under the necessity of asking that nobleman who he was, and what had been the object of the assembly? Proudly, indeed, might he have replied to the first of these enquiries, "I am the earl of Fingall." The man who could answer to that name might justly feel a sense of conscious dignity. To the latter question lord Fingall replied, that it had been a meeting for the purpose of petitioning parliament. Was it to be supposed that lord Fingall could deviate from the truth—he, whom even the noble viscount opposite (lord Castlereagh) had described as having been firm, temperate, loyal and patriotic in the worst of times? The right hon. the Secretary for Ireland, while he travelled to Dublin in his post-chaise, appeared to have been employed in reading the news-papers, and in taking for granted all that those publications asserted to have been done and said by the Catholics. The right hon. gentleman had, indeed, attacked members of that House for expressions and sentiments which they never uttered, but which the Morning Post had put into their mouths for them.—Happy was it for England and Ireland that the earl of Fingall had been placed at the head of the Catholics in the latter country: he was a man who to high rank and large fortune added such a sound judgment, such suavity of manners, and yet such spirited conduct, enabled him to unite Catholics and Protestants in one common interest. He thanked God that the man who represented the Catholics of Ireland was the earl of Fingall.

Digitized by Google

The noble lord who had just sat down had told the House, that if they conceded to the claims made by the Catholics of Ireland, they must do the same by the Catholics of Great Britain. Certainly, it ought to be so. Nay more, the Test Act must be repealed; and the dissenters must be allowed to come in for their share of relief from civil incapacities. And where was the danger to the Established Church from all this? These fears about the Established Church were sounded in the ears of the country as often as the present question was agitated. Were the Catholic claims to be granted? the Church would be overturned! Were the Dissenters to be relieved from tests which were virtually abrogated every year? the Church would be overturned! He was himself a member of the Established Church; and it was his anxious desire to fortify that establishment by divesting it of some of those prerogatives which were at present an incumbrance to it, and the removal of which could not fail of producing the most beneficial results. No man who knew any thing of the purity of the principles of the Church establishment, and considered the deep root which it had taken in the minds of all Protestants who had any regard to religion, together with the many guards and fences by which it was surrounded, could entertain any reasonable apprehension of its destruction, except by its own corruptions and by the culpable indolence of its professors. The alarm about the church of England, however, was by no means peculiar to the present period or to the present circumstances. A grave and learned divine had lately attempted to prove, in a book written on purpose, that the Church was threatened with imminent danger by the dissemination of copies of the Bible, divested of any gloss or comment. Nay, he had himself been accused in a publication by a professor of divinity at Cambridge, of seeking to overturn the Church, in consequence of a speech which he had made at a meeting of one of the Bible societies in the country! Such apprehensions he could not otherwise denominate than as the

"Fears of the brave, and follies of the wise."

The right hon. Secretary had expressed a hope that the Catholics would petition the Prince Regent rather than petition parliament. From what he had heard, he understood it to be their actual intention to petition the Prince Regent, stating their claims to his Royal Highness, and praying his interference in their behalf by recommending their case to the consideration of parliament. That such a recommendation would be successful no one could doubt. Most dangerous was the advice of the right hon. gentleman opposite (Mr. Canning) to delay the concessions until the Catholics had sunk into a state of flat despair. "Good God!" concluded Mr. Whitbread, "may I not here again exclaim, Oh! wonderful ignorance of human nature!—Can it be supposed that men, exasperated by disappointment, furious from oppression and intemperate from necessity, will content themselves with the whining accents of petitioning? I fear not. I fear they will adopt a far different language; and lest therefore they should be driven to the extremity which I dread, I trust that parliament will gratuitously concede their claims."

Mr. *Canning* totally disclaimed the version which the hon. gentleman had been pleased to give of his speech.

Mr. Secretary *Ryder* considered that it would have amounted to a criminal violation of the trust reposed in the government if they had neglected to take measures for preventing the meetings, and to enforce the provisions of the Convention act. The right hon. Secretary briefly recapitulated the statement made by the right hon. Secretary for Ireland with respect to the measures pursued on that occasion. Did the hon. gentlemen opposite mean to contend that government ought to have waited until the object of the meeting was complete, before they decided on putting the statute in force? The construction which had been put on the act was the legal one. The claims of the Catholics were not recognized by the country at large: there was a general and prevalent disposition against them, which had increased in consequence of their late proceedings, and he was not prepared to admit that mischief would not arise from these frequent discussions.

The *Attorney General* said that upon a subject of this nature, involving in it matter of such importance, and more especially questions of law, he trusted he might be allowed to trouble the House with a few words. With respect to the Convention act, he must say, that if it was not the intention of the legislature in passing that act to provide against such meetings as the Catholics were lately holding in

Digitized by Google

Ireland, he felt himself wholly at a loss to say what their intentions could possibly have been. He complained of the indiscreet and light manner in which a solemn decision of a court of law in Ireland had been treated in that House and elsewhere. He agreed with his hon. and learned friend, in thinking that where a judge of the land had misconducted himself in the discharge of his sacred trust, it was for that House to interpose and address the crown to remove him from the judgment seat he had prostituted; but he could not agree with him in thinking that because any member of that House thought the solemn decision of a law court a wrong decision, he ought to look for redress by complaining to that House. Whenever such a wrong occurred, and there was no wrong without its remedy, the law and the constitution had placed the remedy in another place, and to that dernier court and no other should the complainant resort for redress. He contended that the judgment of a court of law, as such, was not impeachable in that House, and if it was not, he thought his hon. and learned friends, who had so impeached it, had travelled not a little out of the record. But this had not been a mere impeachment of the judgment of the court. Personal reflections upon the conduct of the chief justice of the King's bench had been introduced, and he must say, not in the most prudent, he had almost said, not in the most decent manner. It was monstrous to suppose that a person filling that high station, could be brought to be a mere tool in the hands of any government, in any mean job or contrivance against the rights or liberties of the subject. It was a thing that could not be presumed, it ought not to be believed, but on the most unquestionable evidence; and what other evidence was before the House but that of the heated assertions of men in the warmth of controversy?—The hon. and learned gentleman then proceeded to vindicate the conduct of the Irish chief justice on the ground of law, contending, that in issuing warrants against delegates, and holding them to bail, he had done nothing more than had been often done in Ireland. He then entered into a citation of sundry authorities, to prove that the legality of arresting parties previous to their indictment, had been for a long time maintained. He next examined the wording of the warrant under which the delegates had been arrested, and contended that it came within the general authority of the cases he had cited. He passed a compliment upon the calm, pacific, and conciliatory mode in which the law officers of the crown in Ireland had conducted the late prosecutions, and read from a pamphlet he held in his hand, an extract from the speech of Mr. Saurin, on the trial of Dr. Sheridan, to shew in contradiction to what had been asserted in that House, that the Attorney General of Ireland had not charged the Catholics of Ireland with disloyalty; so far from it, he had distinctly expressed his persuasion that they were most loyally disposed; and therefore he thought it but fair in those who had complained that Mr. Saurin had charged the Irish Catholics with treason and sedition, to admit that they were wrong.

Mr. *Ponsonby* began by declaring that he did not know that he was ever in his life so much affected by vanity, as at that moment, finding as he did, from the speech of the right hon. Secretary for Ireland, that a speech of his in that House was the cause of the late proceedings of the government in Ireland. The right hon. Secretary had said, that he, in a motion made by him last session, strongly recommended a proclamation. That assertion he must deny; it was true, he had asked if a proclamation had on that occasion been issued, but he had *not* recommended one. The right hon. Secretary had said, that he did not wish to be made the subject of witticisms. God forbid that the right hon. Secretary should be the subject of witticisms! But if he had suffered in this way, it certainly was from the gravest of his own friends. He thought he had reason to complain that it should have been attributed to him to have said that a letter issued as the deliberate act of the Irish government, was a slovenly letter. The right hon. gentleman himself had called it a grave and solemn proceeding, and he agreed with him that it was. If the Irish government had acted wrong, or in a slovenly manner, it could not be attributed to the short period they had allowed for consideration and deliberation. The right hon. Secretary, however, had talked as if this debate were calculated for no other purpose than to give him an opportunity of exculpating himself. The right hon. Secretary reminded him of a work which he had seen with this title, "Memoirs of P. B. clerk of this parish, shewing the importance of a man

Digitized by Google

to himself." The right hon. Secretary had said that the government could not be wrong, because the necessity of the measure resorted to was shewn in the conduct and speeches of those men who had formerly assembled. If so, he would ask the right hon. Secretary where was his attention to his duty, when he allowed those men to go without punishment? Why did he not then resort to the laws of the land? And why did he make his own neglect as to them, the cause of calumnies against the whole Catholic body? The right hon. Secretary was bound to show in that House, if he had any evidence to prove, that this was the operation of their meetings and actings: he had hitherto proved nothing but intentions towards those men. But he (Mr. Ponsonby) had a stronger reason for entertaining this opinion, and that was founded on what passed upon the trial, where one of the witnesses who had been a person in the confidence and employment of those very persons, and had been in all their secrets, was afterwards brought forward by government as a witness against them, and even he could not attribute to them any thing like bad intentions. The right hon. Secretary had said, that government could not exist if such assemblies were suffered to meet. If they really were about to meet for an unlawful purpose, he agreed with the right hon. Secretary that they ought to be prevented; but if their object in meeting was to petition, what danger could possibly result from it? The right hon. gentleman had said, that there might have been danger. If this was all, then were he and the government too provident in the hasty steps they had taken, and for which they were not justified on any principles of sound policy. The right hon. Secretary had said, that it was impossible these persons could have met merely for the purpose of petitioning; and this seemed to have had considerable influence on many of his friends and on the House.—Now, he, on the contrary, declared he was convinced that they did meet for that purpose, and for that purpose only: and he was also convinced that never was any meeting held in which there were stronger feelings of gratitude and good-will to those whom they meant to address.—He appealed to the recollection of the Chair, whether on all occasions some objection or another was not found against these petitions of the Catholics: at one time the nobility, at another time the clergy, and on a third occasion, the commonalty were not serious in the application. The petitions were declared to be the growth of a faction, and did not come as the genuine prayer of the whole people. But now, when persons from all and each of those classes had assembled, then they were declared an unlawful meeting. He never knew a set of men so hardly dealt with; it being impossible for them to do any thing to please those whom they were anxious to propitiate.—The right hon. gentleman proceeded to take a view of the law of the case, which he still conceived to be different from that laid down by the judges of the King's-bench of Ireland. He presumed to think there was nothing unbecoming in supposing those judges fallible. How else could a counsel ever advise his client to proceed by writ of error? It had been said, however, that this was not a proper time, or rather, that it was a most unpropitious time for the Catholic claims. Then was he deeply responsible, for he had recommended to them that notice to the effect now moved for should be given on the very first day of the session; and this was the ground on which he wished it to be given, because he was resolved not to temporise. "I will not," said the right hon. gentleman, "make my countrymen a footstool for my ambition. I will not mount into office upon their discontents; nor would I, if in power, turn my back upon their claims. I would not make speeches that would pledge me to conditions incompatible with my being a member of any administration, and hold out hopes to the Catholics, of which I was determined they never should enjoy the fruits." No person, I admit, ought to be so amply provided with conditions as the noble lord (Castlereagh); but see the sort of conditions with which he would clog his proffered grant. The noble lord will do nothing for the Irish Catholics, until the Pope is free, and completely his own master; but the Pope is allowed to be in a state of captivity, and doubtless it is the intention of France to keep him so. Now, if the Catholics are to have no relief until the Pope is free from the power of France, the noble lord need not be afraid of being called on for the performance of his promise, and the realization of the hopes of the Catholics.—Nor is this all. It seems that we are a more

Digitized by Google

potent body on this side of the House than we were aware of. A single notice given by a friend near me (Mr. C. Hutchinson's notice for a repeal of the Union) is, it seems, sufficient to deter a right hon. gentleman opposite (Mr. Canning) from his intended course; and to induce him to refuse to the Catholics those rights to which he considers them entitled. He is anxious to grant the boon, but the notice unfortunately ties him up, arrests the course of justice, and prevents the grant. My hon. friend has, therefore, only to defer his motion from session to session, which he no doubt may do, and then the right hon. gentleman will find the time of his promised grant as far removed as that of the noble lord, who adjourns his grant until the Pope is free from the power of France—and the justice and liberality of both will commence together. But it is said we have nothing to fear from refusal, as, in that event, the Catholics will still remain peaceable and content. That they will acquiesce in the decision of parliament, although unfavourable to their claims, I admit; but that they will be content, I deny. I do not think any decision, however unfavourable, will drive them to desperation; but I wish the House to consult human nature, and learn from thence the consequence of hopes long deferred and never realised, of repeated disappointments and exhausted patience. I know the language which it is the custom of certain gentlemen, confident in their own strength, to use in this House. I know they are accustomed to say, "You must obey, or we will compel you." But see the danger of acting up to this doctrine. Not many sessions ago the far-famed Orders in Council were introduced, and we, on this side of the House, pronounced that they would commence in commercial disaster, and lead to absolute hostility. For holding this language we were scoffed at, as degrading and undervaluing the country; and yet, what is the case now? We are come to this point, that we must repeal those Orders in Council, or meet despised America, that America which they held so lightly, in arms. But some say it is unnecessary to grant the Catholics any thing, as we have all the benefit that can be derived from them already. How ungenerous! because you have their services, you reward them by disappointing their hopes. I am happy, however, that the prejudices which would thus undervalue Ireland are wearing away; for, without any partiality to my country, I must in truth say, that the safety of England depends upon the warm and cordial attachment of Ireland, and that France is only to be combated with success by the united force of both. And will any man say that Ireland can afford her full resources, that she can pour out her whole strength and energies, while four-fifths of her population remain deprived of their just rights? This is assuming a case of war, but it will apply also to peace. In case of a negociation for peace, how can you expect favourable terms from France, when she thinks she has an ally and a friend in the discontents of Ireland? The discontents of the nations whom he has attacked, have proved to Buonaparté his most powerful weapons, and he will not view the discontents of Ireland in a different light. Whether, then, it be war, or whether it be peace, the state of that country is of the first importance, and you cannot depend upon its warm and cordial attachment until you have conciliated the great body of its population. Oh! but say the gentlemen on the other side of the House, we are all for conciliation. Yes; but they will have it only at their own time; and it remains, they contend, for the advocates of the Catholics to name the securities on which the conciliatory boon is to be granted. Now, I deny that it is for us to shew upon what terms the Catholics ought to enjoy the full benefit of the constitution; on the contrary, I contend it is for them to shew why the Catholics are excluded. It is no argument to say the Church is in danger. How are the Catholics to endanger it? Do they mean to overthrow it by force? Why, if so, they are as able to accomplish their purpose now as they can be hereafter; but if not by force, how else can they effect their purpose? It will be said, by the assistance of others, by the assistance of the Protestants, but they have that assistance already. I beg, therefore, that when gentlemen talk of the overthrow of the Church, as the consequence of the grant of the Catholic claims, they will state the means which the Catholics will thence derive for the purpose, and how they mean to carry it into execution.—But alluding to what passed on a former occasion, it has been said, the advocates of the Catholics will not be forward to make proposals, remembering that those which they did make were disavowed. I, Sir,

Digitized by Google

was one of those who made such proposals, namely, the Veto, and the whole of my conduct on that occasion I explained, and I believe gentlemen admitted I did so most satisfactorily: but I never stated that as a measure insisted upon by me. I did not wish for any such condition on my own account, I wished it only for the sake of conciliating others, far more powerful than myself, and without whose concurrence my efforts could be of little avail. I wished to conciliate this House, for I am not vain and fantastical enough to expect that it would adopt my opinions. I lay little stress upon the Veto. I look upon all securities of this kind in a very inferior point of view. I think the Catholics, like other men, must be governed by their interests and affections.—The debate, Sir, having been so long protracted, I must thank the House for the patience with which I have been listened to, and shall conclude by repeating my firm conviction, that without conciliation to the Catholics of Ireland, we can neither be strong in war, nor entitled to hope for an advantageous peace.

The *Chancellor of the Exchequer* said, that he gave the noble lord who brought forward the present motion, credit both for his motives in so doing, and for the ability which he had displayed in its support. He was sure he was not paying an ill compliment to that noble lord to say, that he deplored, however, in common with other members, the calamity which had taken it out of those hands which were fully competent to do it justice. But at the same time he could not withhold his strong disapprobation, both of the mode adopted on the present occasion by the other side of the House, and of the object which that mode was intended to accomplish. He did not in the first place, think it a wise or proper thing to bring the conduct of the courts of law in Ireland under the review of the House of Commons, because it might lead to a decision in that House, which preserved no appellant jurisdiction, prejudicial to the judgment of the question by the appropriate tribunal. The noble lord had not said, nor did he believe that he intended to say, that he had any charge to bring against the court of King's-bench in Ireland; but the effect of his motion, if carried, must be to stigmatize that court, because the motion was so framed as to take into its purview the double ground of the claims of the Catholics and the conduct of the Irish administration. And the true friends of the Catholic cause had reason to complain that they were thus attempted to be caught, by voting for one object, into an admission of the truth of the alleged misconduct of the Irish government. Why did not gentlemen bring a specific charge against that government, and try it fairly on its own merits? This would have been an honourable, a candid, and a manly cause of procedure. But no, at a time when, according to the representations of an honourable member, the existence of the present administration was drawing to a close, it was deemed necessary to make a display of the strength of those who avowed themselves competitors for the succession. The hon. gentleman to whom he had attributed the expression, was now in his place, and could answer for himself.

[Mr. Parnell disclaimed the words imputed to him.]

The *Chancellor of the Exchequer* resumed, and assured the House that he was not the only person who had been deceived. The right hon. gentleman then entered into a vindication of the measures of the Irish government, and solemnly professed it to be his opinion, that looking at the constitution of the Catholic Convention and its recent proceedings, if no such law as the Convention act had been in existence, it would have been the indispensible duty of his Majesty's ministers to have proposed to the legislature the immediate adoption of some similar provision. But, whatever difference of opinion might prevail on this subject, it would at least have been the most open and manly way of proceeding to have tried the question of the Irish government separately, and not to have mingled it with the question of Catholic concession, for the obvious purpose of collecting every stray vote which conviction, on one point, joined to uncertainty on another, might be the means of furnishing. He was at the same time fully persuaded that in lending all the weight of their sanction to the meetings of a Convention sitting permanently, equalling almost in number the united parliament, and representing every order of Catholic society, the gentlemen opposite, whether they expected to remain where they were, or to succeed to office, were acting a most impolitic and dangerous part. Such, however was the violence of party feeling, such their desire of condemning government, that their better judgment had been misled, and had become blinded to the

Digitized by Google

consequences of their own counsels. "Upon the general subject of the Catholic claims," said the right hon. gentleman, "my opinions are well known, I have seen no reason to alter those opinions. I have before said that I could not conceive a time, or any change of circumstances, which could render further concessions to the Catholics consistent with the safety of the state, and to those opinions I continue to adhere." The Catholics were perfectly prepared to receive, but not to make, any concessions. The two great points were, security from foreign influence, and from danger to our own establishments. The right hon. gentleman then proceeded to read some passages from lord Grenville's Letter to lord Fingall, from which he shewed that though the noble lord was not pledged to the Veto, yet he demanded some equivalent to it for securing an establishment in church and state, which he considered necessary in the views, not of bigots, but of enlightened men. The noble lord had even added, that if nothing of that sort could be done, he should despair; alluding to arrangements respecting the nomination of bishops. And unless the House knew of some security, the right hon. gentleman contended, they would only be deluding the Catholics by going into a committee. But had any body heard of any proposition of the kind that the Catholics would accept? Those who had been engaged in this cause for years, could not venture to propose any specific measure; he could not therefore see the probability of any event which would render the concessions safe, or a security acceptable. The noble lord (Grenville) had said, that he had deliberated on the subject with the late Mr. Pitt, and had been long revolving it in his mind; the result of all which was the Veto. Conciliation was the object of all: but it had been said, "pass a legislative enactment, and let the Catholics take it or leave it." That, however, would not conciliate, if they objected to it. With respect to the hard names of bigotry and intolerance that had been applied to him, did not lord Grenville's letter equally demand guards and securities against foreign and domestic dangers? Sure he was, that the Catholics ought to come to parliament to ask for concessions in a different tone and attitude from those which they had lately manifested. As to the notice of a motion for a repeal of the legislative Union, alluded to last night by his right hon. friend (Mr. Canning), he could not see in that a great additional objection to the measure. The repeal of the Union could only tend to produce a separation of the two countries. No enlightened mind could contemplate it in any other point of view. He was glad to find that the argument, founded on a claim of right, had not been supported by any gentleman in that House.—After various arguments against the propriety of adopting the motion for a committee, the right hon. gentleman trusted that many members would feel forcibly the manner in which it was attempted to entrap them into a vote for the motion; connecting the conduct of the government respecting the law of the land, with a question of claims, without consideration of the fitness of the time, or the suggestion of the necessary conditions on which alone those claims could be conceded.

Mr. *Grattan* did not rise to address the House until four in the morning. He declared, that in voting for the motion of the noble lord he did not wish to be thought to have voted any censure on the judges of Ireland. For of those judges he had a very high opinion, and for one of them in particular he had a very warm affection; but while he did not wish to vote any censure on their conduct, he would vindicate the right of inquiry. The right hon. gentleman had said, that the point of law was in favour of the ministers of the crown.—But. allowing that the point of law was against them, the right hon. gentleman had contended, that if they were advised to act, as they did, by the legal advisers of the crown, they would still be morally right. He wished the right hon. gentleman to recollect, however, that if in this way they were legally wrong and morally right, he had been making the very best apology for the Roman Catholics. They were men, and liable to err as well as ministers; they had acted under the advice of eminent lawyers, as well as ministers; and if they had transgressed the law they were not to be considered guilty, but only in error. With respect to the Convention bill, he remembered very well the period when it had passed. At that time he not only voted against it, but spoke against it; for in his opinion it was liable to one great objection, namely, that of declaring that all representative delegations, for the purpose of procuring alterations in Church and State, were illegal. He then remembered that Ireland owed

Digitized by Google

some of her greatest advantages to representative delegates; he remembered the delegates at Dungannon; he remembered the Convention which preceded the grants to the Catholics, in 1793; he remembered that these delegations had been, in some degree, acknowledged by the legislature; for the petition which was presented from the Catholic delegates, and transmitted to both Houses of Parliament, received the countenance of a majority of both those Houses. This act casted reflections on some of the greatest and proudest periods of our history; it casted reflections on the Convention from which England had derived one of the greatest blessings which she had ever enjoyed—the Convention of 1688; it was saying that the title to the crown of his present Majesty was unlawful; it was saying that the Revolution was unlawful. If it had been wished to pass an act of attainder on all those who had been instrumental in placing king William on the throne of these realms, the preamble would have been materially the same as that of the Convention act. He could not conceive how it was possible to declare the principle of Conventions on all occasions, and for all purposes, unlawful, though he could conceive a time when Conventions for some purposes might be dangerous. We owed our privileges to the existence of Conventions, and we owed the preservation of them to the infrequency of Conventions; therefore, though he would defend the principle of Convention, he would not defend their frequency. The Catholics had had examples set them by their Catholic brethren; and, admitting the illegality, the censure against their conduct was not the less unfounded; and supposing the Catholics had assembled without the sanction of the law as to the manner in which they were to claim their privileges, that was but a poor argument against the privileges themselves. If the conduct of the Catholic body had been more vehement than men in the full enjoyment of their rights would have exhibited; if it was not altogether constitutional in every point, parliament themselves were the cause; they had deprived four millions of people of their rights, and they were not to be astonished that these four millions of people had spirit enough to feel the injury. The Catholics were called upon to triumph over their prejudices, as if the prejudices were altogether on the side of the Catholics. It should not, however, be a victory of one sect over another sect, but of both against common prejudices; and the result of this mutual victory would be the establishment of public tranquillity. The conduct of parliament towards the Catholics was injurious to the best interests of the nation. It taught them to consider that the principal argument against their cause, however invincible, was not to be defined; but, if the people were to be familiarized to repeated defeats, they would destroy that spirit by which the liberties of a people were to be protected. The refusal of the Catholics to take the oath wished to be imposed upon them, was the strongest argument in their favour: for a Deist, an Atheist, nay even Lucifer himself might take that oath which the Catholics would not take. He did not consider the Catholic oath intended as an evidence of the Catholic conviction, but as an evidence of their political disaffection; and whenever this disaffection ceased, the principle on which the oath was justifiable, ceased also. It had been said, that concession to the Catholics of part of their claims formerly produced no good, and that they were dissatisfied at that government under which they were granted. This had been so well refuted by a right hon. gentleman (Mr. Canning,) that it was unnecessary for him to enlarge upon it. He would only add, that the minister who then presided in Ireland was unpopular, and a declared enemy to the Catholic religion; and it was well known that a hostile ministry always made a discontented people under whatever constitution. But, did the concessions produce no good effect? What! the soldiers and sailors, who after the repeal shed their blood with pleasure at your command, no good effect? Although the ministry who granted the concessions derived no advantage, the ease and facility with which the army and navy afterwards were filled, was an advantage to the country of the highest nature. A right hon. and learned gentleman (sir John Nicholl) thought it would be advisable to wait till the Irish were better informed, and less disorderly and barbarous. But this was a reflection on the English government However hard the laws under which they suffered, still an affectionate peasantry filled the armies of their country. But the question was, not whether the peasantry were to be entrusted with power, but whether the nobility and gentry were to be entrusted with it. With respect to the danger of the church—the church establishment was

Digitized by Google

not made for the ministry nor the king, but for the people. It had been thought proper to give the religious establishment of England to the people of Ireland; in which perhaps they were right; but they were wrong if they imposed upon the people of Ireland the English church, and then made that a reason for disqualifying them from the enjoyment of their rights. Was it to be said that the establishment of the English church was not compatible with the liberties of the people? He had never seen any alteration proposed in church or state, without going into a committee; and he lamented to see the manner in which the ministry were raising up imaginary difficulties, for they seemed to embrace the difficulty merely because they were in opposition to the principle. Any thing might be food for opposition to an unwilling ministry. He remembered when the Irish reform was proposed, no plan could be found practicable; but when the Union came, it was all done in less than a week. Upwards of twenty-five law-suits existed at present in Ireland. They had gone to law with the whole people of Ireland; and they had gone to law with individuals; and no less than five actions had been brought against the lord chief justice; there were suits on all sides, and able lawyers on all sides; lawyer against lawyer; evil against evil; longrobe against longrobe; but would the fire which raged at present in Ireland be extinguished by all the twenty-five law suits, or by all the sufferings of the members of the Irish committee? The evil did not exist in this or that chief justice, or in this or that Secretary; but in the law itself; and in order to produce satisfaction it was necessary to repeal the law. When an artery in the political body was tied up, that body naturally fell into convulsions. The Irish Catholics exhausted their treasure and their blood in the defence of the empire; the people of England were not insensible to their merits, nor unwilling to acknowledge their merits; and supposing the minister should procure a temporary triumph, he would tell him that the honest feeling, that the honour and honesty of the people of England would not long support him in that triumph. Whether this country should stand or fall in her struggle with the enemy of Europe, he wished it might stand or fall with Ireland—but with Ireland in the possession of equal privileges and equal rights.

Mr. *Croker* observed, that the right hon. gentleman who spoke last, had swept away all the arguments of his friends with respect to the construction of the Convention act, for he fairly admitted that, at the time it passed, he was aware that it was directed against delegation. After this admission, he had a right to call upon those who had, upon a misconception of the intention of the act, spoken for the motion, now to vote against it. The late right hon. Chancellor of Ireland, and the right hon. gentleman who spoke last, were quite at variance with regard to the meaning of the act, and he should leave it to themselves to reconcile their jarring opinions.

Mr. *Tierney* said, that the right hon. the Chancellor of the Exchequer had called upon his noble friend who had brought forward the present question, to vote against his own proposition, because it had been supported on grounds different from those on which he had originally moved it. Mr. T. stated, that he felt it due to himself, as well as to his noble friend, to declare distinctly the view he took of the subject. On a motion for a committee to take into consideration the State of Ireland, it was not extraordinary that different gentlemen should recommend such a proceeding on different grounds. For my own part, said the right hon. gentleman, I swear by my vote to express no censure on what has recently passed in the courts of law in Ireland, either with respect to the judges or the juries. As to the ministers here, or in Ireland, it is new to me to be told, that a motion ought to be resisted because it has a tendency to criminate them. Such an argument, if admitted, would put a stop to all inquiries. Whether the motion now proposed would lead to a censure on the government for their conduct, can only be ascertained by a full examination into all the circumstances which have taken place. At present it is enough to say, that the state of Ireland, upon the shewing of ministers themselves, is such as to demand the immediate and anxious attention of this House. We are bound, as I think, to take it into consideration; but if we go into a committee, my own earnest advice to my noble friend would be, to postpone all other objects to that most important one, the repeal of those harsh and impolitic laws which now oppress the Catholics. That is the great and most urgent point for deliberation, and to that, in my judgment, all other matters should give way.

Digitized by Google

I wish to allay the heats and animosities by which Ireland is distracted. The course proposed by my noble friend would announce to her, that parliament felt for and was occupied in the consideration of her situation. Such a proceeding would I am persuaded, in itself be looked upon as conciliatory, and be the means of procuring at least a pause and interval, during which, I entertain a confidential hope, that such measures would be adopted as would bury in oblivion all that has passed. I keep my word with the House, and abstain from all argument on the question before us. If the motion of my noble friend is to be rejected, we must submit; but my noble friend and those who vote with him, will hereafter stand absolved in the eyes of the world from all responsibility with respect to the fatal consequences which may arise from the continuance of the discontents and distractions by which Ireland is at this day so unhappily divided.

Mr. *Elliott*, in voting for the motion, declared he had no intention to criminate ministers, but to consider the claims of the Catholics, which were essentially connected with the safety of the empire.

Sir *G. Warrender* founded his vote on similar grounds.

Lord *Morpeth* made a brief reply; in the course of which he observed, that it had been alleged, that the motion he had submitted to the House had been brought forward to serve some political purpose or party view. He knew not what was meant by this insinuation, but, if an ardent wish to promote conciliation, and to unite the hearts of all descriptions of persons in a general affection to the state, was a political view, was a party purpose, he was proud to admit the charge.

The House then divided, when the numbers were:

For lord Morpeth's motion.... 135
Against it..... 229
Majority against the motion——94

Adjourned at half-past five o'clock on Wednesday morning.

List of the Minority.

Abercromby, Hon. J.
Adair, R.
Agar, E. M.
Althorpe, Visc.
Aubrey, Sir J.
Antouse, Lee.
Bagenal, W.
Baring, A.
Baring, Sir T.
Bennet, Hon. H. G.
Bennett, R. H. A.
Bernard, S.
Bradshaw, Hon. A. C.
Brand, Hon. T.
Brougham, H.
Browne, A.
Bunk, W.
Byng, G.
Bligh, Thos.
Campbell, D.
Chaloner, R.
Coke, T. W.
Coke, E.
Colborne, N. R.
Combe, H. C.
Creevey, T.
Cuthbert, J. B.
Cocks, James.
Dundas, C.
Dundas, Hon. R. L.
Duncannon, Lord.
Daly, Bowes.
Eden, Hon. G.
Elliott, Rt. Hon. W.
Ferguson, R. C.
Fitzpatrick, Hon. R.
Fitzroy, Lord C.
Fitzroy, Lord Wm.
Foley, T.
French, A.
Folkestone, Visc.
Frankland, W.
Fitzgerald, Lord H.
Giles, D.
Gower, Earl.
Grant, C. jun.
Grattan, Rt. Hon. H.
Greenhill, R.
Grenfell, P.
Grenville, Lord G.
Greenough, G. B.
Halsey, Jos.
Hanbury, W.
Hamilton, Hans.
Herbert, H. A.
Herbert, Hon. W.
Hibbert, G.
Hobhouse, B.
Horner, F.
Howard, H.
Howard, Hon. W.
Hughes, W. L.
Hume, W. H.
Hurst, Rob.
Hussey, Thos.
Hutchinson, Hon. C.
Ingelby, Sir W.
Knight, R.
Knox, Hon. T.
Lamb, Hon. W.
Latouche, D.
Latouche, J.
Latouche, R.
Leach, J.
Lemon, C.
Lemon, J.
Lemon, Sir W.
Lyttleton, Hon. W. H.
Lloyd, J. M.
Longman, Geo.
Macdonald, J.
Madocks, W. A.
Mahon, Hon. S.
Markham, J.
Marryatt, J.
Mathew, Hon. M.
Milton, Visc.
Meade, Hon. J.
Moore, P.
Mildmay, Sir H.
Morpeth, Visc.
Neville, Hon. R.
North, D.
Odell, W.
Oglander, Sir W.
Orde, W.
Osborne, Lord F.
Pelham, Hon. G. A.
Parnell, H.
Piggott, Sir A.
Ponsonby, Rt. Hon. G.
Ponsonby, G.
Ponsonby, F.
Power, R.
Poyntz, W. S.
Prittie, Hon. F. A.
Pym, F.
Quin, Hon. W.
Ridley, Sir M. W.
Romilly, Sir S.
St. Aubyn, Sir J.
Savage, T.
Scudamore, R. P.
Sharp, R.
Sheridan, Rt. Hon. R.
Sinclair, G.
Smith, John.
Smith, Wm.
Smith, G.
Stanley, Lord.
Speirs, A.
Tavistock, Marq.
Temple, Earl.
Templetown, Visc.
Tierney, Rt. Hon. G.
Tighe, W.
Tracy, C. H.
Talbot, R. W.
Vernon, G. V.
Western, C. C.
Whitbread, S.
Warrender, Sir G.
Walpole, Hon. G.
Wrottesley, H.
Wynn, Sir W. W.

TELLERS.
C. W. W. Wynn.
W. H. Fremantle.

HOUSE OF COMMONS.

Thursday, February 6.

PETITION FROM GREENOCK RESPECTING THE EAST INDIA COMPANY.] Mr. *Hous-*

Digitized by Google

ton presented a Petition from the Merchants, Traders, and Manufacturers of the town of Greenock, setting forth,

"That, while the petitioners have no desire to trench on the substantial rights of the East India Company, they beg to submit to the House, that there appears a field, worthy of the national exertion and industry, to the eastward of the Cape of Good Hope, and westward of Cape Horn, in the exclusive privilege of that company, which might be rendered productive of advantages that have not hitherto arisen out of it; and that, to enable the British merchant to meet in fair competition neutrals and foreigners in their own and other markets, to which they carry the products of the countries to the eastward of the Cape of Good Hope, and the westward of Cape Horn, and to allow these products, without being first landed in the United Kingdom, to be transported to the British West Indies, the colonies of America, and all other countries whatever in America, Africa, and Asia, and in Europe, south of Cape Finisterre, and within the Mediterranean, the House must perceive that the navigation laws will require to be revised and amended; and that the exclusive commercial privileges granted to the South Sea company, which may operate to the interruption of the trade proposed, should be distinctly removed; and praying the House to take the same into their consideration, and to grant such relief therein as to them may seem meet."—Ordered to lie on the table.

RIOTS AT NOTTINGHAM.] Mr. *Whitbread* wished to ask the right hon. the Secretary of State, whether it was the intention of the government to lay any information before the House with respect to the disturbances which had for three months scandalized the country, and still continued to do so, or whether any inquiry was to be set on foot with respect to them?

Mr. Secretary *Ryder* agreed that the proceedings alluded to by the hon. gent. were such as scandalized the country; he had reason to believe, however, that they had, within these few days, much subsided. Whether this was or was not the case, the House would soon possess the opportunity of inquiring into the subject, when a Bill, which was now in preparation, should be introduced.

Mr. *Whitbread* observed, that after what had fallen from the right hon. Secretary, he should not himself now give any notice on the subject; but he must ask, was not the existence of the late disgraceful riots at Nottingham, a *primâ facie* charge against the home administration.

Mr. *Lambe* said, that the riots at Nottingham had not only not subsided, but were increasing, and loudly called for enquiry.

Mr. *J. Smith* stated, that he had received letters that morning which expressed that a greater degree of tranquillity prevailed in the country than had been for some months past.

SELECT COMMITTEE APPOINTED ON THE EAST INDIA COMPANY'S AFFAIRS.] Mr. *Wallace*, after shortly adverting to the importance of the subject, especially as the great question of the East India Company's Charter would soon come before the House, observed, that the Committee had already made two large reports, which contained a full account of the foreign transactions of the company, and that it only remained now to take into consideration the home department of the business, that the House might have before them a complete history of the finances of the East India Company. He apologised for the delay which had occurred, on the ground of the length of time requisite to prepare, arrange, and render intelligible tedious and complicated accounts. He wished to make only two slight alterations, which were, the substitution of Mr. Howarth and Mr. Lushington, in the room of lord Melville and sir John Anstruther. He then moved, "That a Select Committee be appointed to enquire into the present state of the affairs of the East India Company, and to report the same, as it shall appear to them, to the House, with their observations thereupon."

Mr. *Creevey* objected to the motion altogether. For the purpose of shewing the importance of the subject, he begged that that part of the Prince Regent's speech at the opening of the session, which recommended attention to the affairs of the British possessions in India, should be read. [It being accordingly read by the clerk, the hon. gentleman proceeded.] The charter of the Company was near its expiration: it was therefore highly important, that every sort of information should be obtained before the discussion of its renewal. It was on this ground he objected to the select committee, as utterly incompetent and inadequate to furnish that information. It was now the fifth session since that Com-

Digitized by Google

mittee had been appointed, and yet their accounts were so utterly unintelligible, that he was convinced that not one person in that House, nor out of it, understood a tittle of the matter. He proposed, therefore, a committee of the whole House, that the country might be able to see what was going forward. There were documents enough already on which an enquiry might be grounded. The first object of consideration should be the agreement of 1793, by which it was guaranteed, that in consideration of an exclusive monopoly, the sum of 500,000*l.* should be annually paid to the public. Yet, in the course of 19 years this payment had been only once made; and in another instance, the public had been called upon to advance a loan of 1,500,000*l.*—The next object for their consideration was, that the external or Indian debt of the Company, instead of being reduced from 8 to 2 millions as was stipulated in the act of 1793, was increased to 30 millions; the bond-debt from 2 to 7 millions; although not one farthing (except in one solitary instance) had been contributed in compensation, according to the terms of the guarantee. As for the sum of 12,000,000*l.* which, by the act of 1793, was to have accumulated from the profits of the company as a guarantee fund for their capital stock, to this moment not a single farthing had been contributed to it. In the time of king William, the East India Company had paid a valuable consideration for their exclusive trade; and also in the reign of queen Anne, on the mere renewal of their charter, and so on different occasions of renewals of their charter, this principle of valuable consideration being given for their exclusive trade was observed till the period of 1767. From 1765, however—the year of the great military achievements of lord Clive in India, the East India Company had altogether changed their character of merchants for sovereigns; from this period to the present the Company had not only paid no consideration to the state for their exclusive trade, but with the great territorial provinces they had become possessed of, they had become a constant burden and grievance to the nation, and even to themselves. For a solution of this difficulty, he begged to refer the House to the 9th Report of the year 1780, which was drawn up by Mr. Burke with great perspicuity and extensive learning. Thence it would appear, that the Company were no longer merchants, but the great landholders of India: that they fitted out vast fleets, not for the conveyance of merchandise, but to carry out stores and to bring back tribute. No wonder, therefore, that where there was no trade there could be no proceeds to fulfil the articles of their agreement. If the House would give the deserved attention to that luminous report, and to the examination of Mr. Hastings, they might, instead of the monstrous farce of a private committee, be able to take a proper view of the subject. There were additional reasons why the discussion should be public: one was, the present actual decline of trade in this country. As a proof of it, gentlemen would see from the returns of the property-tax, in 1811, that they were less than the returns of 1810, by 1,100,000*l.* which did not arise from any deficit in the rents of land, nor from any depreciation of stock, but from a failure in trade and manufactures. If this decline in the tax were 1,100,000*l.* it would be seen that the total loss was ten times more; that was 11 millions.—He then stated from his own knowledge the great revolution of trade and commerce in Liverpool, in whose docks there now appeared nothing but a dismantled commercial navy. He had then in his hands a document from the town of Liverpool, which declared the numerous distresses which had occurred in the last year. From this it appeared, that so great had been the accumulation of distress, that in the first week of last month, relief had been given to 8,000 poor persons; in the second, to 11,000; in the third week, to 13,000; in the last, to 15,000. He mentioned these important and melancholy facts, for the purpose of impressing upon the House the urgent necessity there was for their giving all their attention to any subject that held out a prospect of new commercial advantages to the state, such as a free trade to the Eastern world.—To shew the advantage of a free trade to the East Indies, the hon. member then referred to the first years of the Protectorate, in which period the trade was open, and flourished; and to the example of America, which derived the most beneficial results from a free trade. He had no doubt that if the people were admitted to a free trade, an event which, in case of peace, would certainly take place in all the other kingdoms of Europe, that the most advantageous results would accrue to the country

Digitized by Google

and to individuals. At the same time, he was anxious that the territorial revenue of the company should be allowed to them for another term of years; for though it was an anomaly in our constitution that twenty-four private merchants should possess an immense territory, and have under their control a mighty army, yet he thought it better in their hands, than that it should be transferred to the increase of the influence of the crown. He believed that his proposed separation of the commerce from the territorial revenue of the company would be as beneficial to them, as he was sure it would be serviceable to the country. Every part of the original stock was entirely gone; there had been subscribed altogether from the act of king William to the present time, 7,780,000*l.* as the capital stock of the company. That part of this stock which had been advanced and lent to the state, had become converted into annuities payable to the company from the state. These annuities they had acquired the power of selling or mortgaging: they had exercised such powers, and had sold them according. The remaining part of this sum of 7,780,000*l.* had been raised or subscribed within these last thirty years, for the purpose only of meeting some great pending calamity to their affairs, and had accordingly been spent as soon as raised. Thus then it was of the most vital importance to the Indian stockholder as well as to the state, to devise some means of realising from the Company's means a sum equal to their capital stock; the only interest which remained to the stockholder was the term of the territorial revenue: and even utter ruin might ensue, should there arise in India any daring military adventurer. One other reason why the agreement of the Company and the government should be publicly discussed, was, that in private committees the public voice was entirely excluded, and its interest completely sacrificed. The act of 1793 was a perfect illustration of this position; the true character of that agreement was, that it was a compact to benefit the two contracting parties to the perfect exclusion of the public good. The government undertook to raise the dividends of the company, and the Company in return engaged to pay for four members of parliament, viz. the President of the Board of Controul, the two Commissioners, and the Secretary. As for the annual 500,000*l.* to the public, it was a mere creature of the imagination. This was his own view of the subject, and he hoped and expected to receive from the right hon. the Chancellor of the Exchequer some explanations on this matter: a matter which had doubtless employed much of that gentleman's attention, as the consideration of it had been recommended in the Speech from the throne.

General *Gascoyne* said, it was not his intention to have troubled the House on the present occasion, had it not been for the allusion made by the hon. gentleman who had just sat down, to the state of the town which he had the honour to represent. He was confident that the merchants of Liverpool expected a great alteration would be made in the arrangement of the carrying trade to and from India. It had been suggested to him that a Committee should be appointed on that subject; but that, he thought, was premature, and so he had told those that mentioned it to him. It was, however, very clear that all the outports were violently agitated on this point; and there could be little doubt but all of them would make applications, either to government or to parliament; and he hoped they would not be precluded by agreements made between this minister or that, and the East India Company. The matter was of the utmost importance to the outports, and he hoped they would have justice done them.

Mr. *Grant* said, that the Committee on India Affairs had really brought forward a great deal of information, though it possibly might have brought forward still more. Besides the account between the East India Company and government, they had produced two very elaborate Reports, and he would take upon him to say, that any gentleman who would look into those reports, could not fail to get much information with respect to the propriety of a renewal of the company's charter. With respect to the Ninth Report, which had been alluded to by an hon. gentleman, however pointed it might have been to the subject in 1780, it was by no means so now; circumstances had varied most materially since that period; and if the House should now proceed on it, they would be very much misled by it. The Company were no party to the propositions then brought forward, but they had more than paid the 500,000*l.* to be paid annually, in the various disbursements they had made on behalf of government. As to the expectations of the merchants of England, he believed they were very san-

Digitized by Google

guine, but feared they would be disappointed, for in the time of the Protectorate those who had fitted out ships were ruined by so doing, and the private trade now allowed to be carried on had filled the warehouses of the Company with goods that were unsaleable. The only reason why the Americans had prospered was, that they had been acting as neutrals, while we had been in a state of war. They had had a market in France, and through her with the whole continent of Europe. As to the Company paying Members in that House, he never heard of such a thing before. (Mr. Whitbread said across the table, they pay the Board.) Oh! said Mr. Grant, is that what is meant? With respect to private trade, he was certain the country could be no gainers; for whatever might be gotten by the cheapness of many articles, would be more than over-balanced by the ruin of the merchants who embarked in it.

General *Tarleton* said, the hon. gentleman who spoke last, had predicted that the merchants who embarked in the private trade to India would be ruined; he begged only to lay in his claim that they might be indulged, and he would trust to their enterprise to carry them through. His hon. friend who began the debate, had set out by alluding to the speech of the Prince Regent at the opening of the session, and he could not avoid observing, that the House had now sat a month, and made no progress whatever towards taking that part of the speech into consideration. He was sorry he was compelled to agree with his hon. friend in all he had stated with regard to Liverpool. He was sorry to say, that that lately opulent town had been shorn of its brightest beams; for now, whoever went along the quays, not long since crowded with every species of merchandise, would behold the melancholy and mortifying signal of a broom at the mast-head of almost every other ship; to notify, alas! that it was to be sold. Last year, not foreseeing the sudden and severe reverse which had taken place, the merchants of that once flourishing town came forward with a bill for providing new docks; but now it was one universal scene of poverty and distress. The people of Liverpool had ever shewn themselves to be an active and enterprising set of men, and he thought they were at least entitled to the same advantages from their own government as had been granted by it to the Americans.

The *Chancellor of the Exchequer* thought the House would find no difficulty in throwing open, to a considerable extent, the trade with India, without infringing on the East India Company's charter, or without endangering the security of our East Indian possessions. On this subject he conceived the hon. gentleman who had spoken last but one, had given a very satisfactory answer to the hon. gentleman who had commenced the debate. He rose at present merely to give expression to the surprise which he felt at the statement made by that hon. gentleman respecting the produce of the property tax at the 5th of January last, compared with the produce of the property tax for the year ending the 5th of January preceding. He apprehended, that instead of the deficiency of 1,100,000*l.* of he one year compared with the other, the real deficiency would be only 289,000*l.* But though the produce of the year, ending in 1811, was less than that of the year ending in 1810, by the sum of 289,000*l.* it was at the same time to be remarked, that it was greater by 700,000*l.* than that of the year preceding the former of these periods. Certainly, a deficiency of 289,000*l.* would not warrant the hon. gentleman in the desponding views which he had taken. But it was not fair to draw such a conclusion at any rate, on a comparison of two years only, and especially a comparison of the present year with the most productive year which the country had ever known. It was also to be considered that the produce was only diminished in comparison with this most productive and greatest of all years, and that it was greater for the present year than for all former years. with the exception of the year ending the 5th of January, 1811. The increase at the 5th of January, 1811, was also in a good measure owing to those measures which had been adopted in consequence of the recommendations of the House to bring in the arrears and to levy the tax more effectually, all which measures began to operate last year, and had the effect of swelling it in comparison of the present; for the same increase could not be expected from these measures after they had been some time in operation. Comparing the whole receipts of the tax during last year and the present year together, it would be found that they amounted to 10,700,000*l.* for the present, and ten millions for the past year; so that if the property tax of these two years were

Digitized by Google

compared together, independent of the arrears recovered in each year, it would be found that the increase was rather the excess of arrear recovered in the one year over that in the other. Instead of a deficiency then of 1,100,000*l.* it was only 289,000*l.* and comparing the total receipts, there was 700,000*l.* more for the present year, than for the third year back. He believed this statement was not far from correct, although he might be mistaken in a small degree. As to what had been stated respecting Liverpool by the hon. gentleman, if he meant that such was the general state of trade throughout the country, he could inform him, that though the trade of the present year was less than that of the preceding, it was greater than that of any other year, and that the preceding year was greater than any year ever known.

Sir *S. Romilly* said, the single question now before them was, whether a committee should be appointed or not; but the grand point to be considered, was, whether the information brought before that committee could be brought before the House itself in due time to be of any avail. That committee, as he understood, had now sat four sessions; but as yet not much information had been derived from it. The appointment of it had now been delayed near a month; and whatever might be the opinion of the right hon. the Chancellor of the Exchequer as to the trade of the country, clear it was to him, that it had greatly decreased. He hoped, therefore, his hon. friend would persist in his motion for a committee of the whole House.

Mr. *Brougham* thought the public had a right to be informed of the real situation of Indian affairs. It was well known that a negotiation was at present going on between the government and the East India Company, and that the matter was as nearly settled between them as it could be without a statute. All this was carried on in silence; and if it was not as good as concluded, it was in a train to be concluded, and parliament was only to be brought forward as a matter of form to put the seal to the contract. Now, there were so many facts necessary to be known before it was possible to entertain any correct opinion on the state of East Indian affairs, that he thought the production of documents alone would not be satisfactory, and that witnesses ought also to be examined. In the present state of the question, it was impossible for any enlightened man to come to any conclusion, either satisfactory to himself, or safe to the country. One man one day would give you an account which should be negatived by the next man you happened to meet. He spoke from what had happened to himself; and would allude to one subject, on which he had received the most contradictory information. Would it be safe, in the extension of an intercourse with India, to allow of emigration to that country? One set of men said that nothing would be so dangerous as this measure, and that colonization and insurrection, and finally separation, were synonymous. Another set told you that these ideas were chimerical, scouted the idea of danger, and appealed to the case of the American settlements. Those persons who were averse to colonization told you, that this would be thwarting the religious prejudices of the natives. Another set said, look to the Mahometans in India, far more numerous than the Europeans will be, who were even abhorred by the natives. The Mahometans not only made proselytes of the natives, but endeavoured to extirpate them, and yet no insurrection took place. All these things were set in array against one another, so that it was impossible to come to any satisfactory opinion, without the examination of witnesses. On one point he would caution the House, and that was, against forming too great an expectation of the advantages of an extended Indian trade, as he was afraid this expectation would only end in disappointment. He wished the exportations to South America to be borne in mind. Those exportations had prevented the measures of government, during the last four years, from being so clearly felt here as they were throughout the country. With respect to the property tax, measures had been taken by government, not only to collect the arrears, but to raise the amount of the tax. It was well known that there was no part of the country where the exertions of the inspectors were not felt.

Mr. *Lushington* shortly delivered his opinion, that this, like every other subject which turned principally upon accounts, would be better examined in a select committee than in a committee of the whole House.

Mr. *Whitbread* felt it necessary to put several questions to the hon. member over the way, who had moved for the

Digitized by Google

re-appointment of the Committee. In the first place, he would ask, why, after the recommendation contained in the Regent's Speech, that this subject should be taken early into consideration, if the committee were in truth necessary, its revival had not been proposed before four weeks of the session had elapsed? Next, he wished to be informed, whether it was at all probable that the Report, supposing the committee again to be nominated, could be in the hands of members before the general concerns of the East India company were investigated on the question of the renewal of the Charter? In the third place, he begged to know whether the hon. member believed that it was possible for the committee to embrace all the necessary objects of previous inquiry, so that full and complete explanation upon them might be afforded to the House? It appeared to him, that unless the Report was in truth already prepared, and only waited the sanction of a committee, it could not be laid upon the table in sufficient time to be of the slightest use in the deliberation of the great ultimate question. The Chancellor of the Exchequer, as was usual with him whenever the slightest occasion offered, had indulged in a strain of exultation upon the present prosperous state of the country, which was calculated greatly to deceive the public: in reality, he could not avoid doing the right hon. gentleman the justice to think, that throughout the whole of his unfortunate administration, he had himself been grossly imposed upon, or he never would willingly have reduced the nation to its present condition of distress and wretchedness. An hon. gentleman, (Mr. Grant), had asserted, that during the Protectorate the mercantile interest had been reduced almost to ruin, by a free trade to the settlements in the Indian seas, and joined in a petition to have a monopoly established. This statement was perfectly correct, but did it not always happen, that when a new channel of commercial profit was opened, it was choaked at first by greedy speculators, who suffered in the atte[illegible] but that future adventurers, availing [illegible]selves of former example, derived most important benefits from that which had proved the ruin of their predecessors? Was not this opinion verified by the experience of our own day, and were not the years, or rather months, (for it had not lasted a year) of prosperity—so much the boast of ministers, to be attributed to this cause? Was not the unbounded spirit of speculation which had raised that part of the revenue to a height it had never before attained, created by administration and the board of trade, who had held out a fallacious idea, that successful commerce could be carried on to various situations, when nothing but almost indiscriminate ruin could ensue? And by their means had not the Gazette been crowded with bankrupts—thus reducing whole families to irremediable and unmerited distress? If these pleasing but delusive hopes had not been held out, the right hon. gentleman would neither before have had to congratulate the country on the flourishing state of our finances, nor would he now have had to lament the rapid decline of our national prosperity. His hon. friend (Mr. Creevey) and the two members for Liverpool, had depicted in colours that could not be too strong, the melancholy condition of that once prosperous town. They had shewn that many thousands of its inhabitants, formerly gaining by their industry an easy competence, were now reduced to beggary, and were compelled to seek relief with the parish poor. These assertions the right hon. the Chancellor of the Exchequer had not attempted to deny, and it remained a miserable sample of the fruits of that mistaken policy, which he and his supporters had from the beginning maintained. The fact spoke for itself, and could not be controverted by the statement of figures to which the right hon. gentleman had resorted.—The last question he had to put, and to which he thought the House required an answer, was, whether it were the intention of government to propose the renewal of the Charter of the East India company, during the present session? If satisfactory replies were not given to these interrogatories, he should feel himself bound to vote against the motion proposed.

Lord *Folkestone* was of opinion, that, if the report of the committee now proposed were not very different from their former statements laid before parliament, little or no useful information relating to the question of the renewal of the Charter would be obtained from it. It was true, as had been said, that these reports had produced some beneficial effect, but only to the East India Company, since upon them two loans to that Company of 1,500,000*l.* had

Digitized by Google

been founded; but they comprised no opinions regarding the great question of policy, and no examinations of persons, who, from local knowledge, could throw the faintest light upon the subject. One hon. gentleman on the other side of the House had stated, that the Report was prepared, and that it only waited the appointment of a committee, before it should be laid upon the table. If such were the fact, it would be a mere farce to accede to the motion proposed, since a committee of the House was not to be degraded to an office that a messenger could perform, that of bringing the Report into the House. With regard to the receipt of the property tax, it might be very well to compare figures with figures, the account of one quarter with the account of another; but, as statesmen, it was most fit that other matters connected with them should be taken into view; such as the misery occasioned by it, the calamities actually existing, the surcharges after surcharges, without cause, and the appeals after appeals, without redress; all creating distresses, the picture of which, however melancholy, could not be exaggerated.

Mr. *Hutchinson* hoped, if there should be any intention of opening the trade to India, that a more liberal arrangement would be made in favour of Ireland upon this head, than the one which now existed.

Mr. *Wallace* said in answer to the first question that had been put to him, that he had every reason to believe that a report would be soon ready to be presented, and was already in considerable forwardness. The noble lord appeared to think it extraordinary that such a report could have been prepared before the committee was appointed. This was, however, the practice in all other committees. Some persons who possessed the best information on the subject always drew up a report first, which they submitted to the judgment and consideration of the committee to adopt or alter at their discretion. On this subject the necessary information had been previously collected, and the report would soon be presented to the committee for their consideration. He certainly was not able, in answer to the third question of the hon. gentleman, to say that the report would embrace every thing which would be necessary to be considered on the question of the renewal of the charter. It appeared to him indeed that many of these points would not come properly from such a committee. As to the last question, whether the discussion on the renewal of the Charter would come on in the present session, he could not speak positively; but he thought it probable, and he hoped that it would. An hon. gentleman had objected to what he called a negociation between government and the Company on the subject; but for his part, he could not see how the subject could, according to the practice of the House, be brought forward without such negociation. If ministers previously exercised their judgment and discretion in the measure they brought forward, the House would have afterwards to exercise their judgment and discretion when the subject was submitted to them. He could could not see that there was any thing in this course of proceeding which deserved to be called a farce, or to be treated as mockery and delusion. As to the arrangement of 1792, by which the Company were to pay 500,000*l.* per annum to the nation, that arrangement went entirely on the supposition of the continuance of peace.

The *Speaker* was putting the question, when

Mr. *Creevey* rose, and said that he had intended to move, as an amendment to the motion, "that it should be referred to a Committee of the whole House." He had concluded his speech, however, without making a motion, and he wished to know whether he was now in time.

The *Speaker* informed him, that it would be quite irregular now to move this amendment, after he had already spoken, and the discussion which had taken place.

The motion was then agreed to, and a Select Committee of 21 was appointed.

HOUSE OF LORDS.

Friday, February 7.

INSOLVENT DEBTORS.] Lord *Redesdale*, after presenting two petitions from imprisoned debtors, observed, that notwithstanding parliament had so recently passed an insolvent act, he understood that the prisons were again almost as full as before. With the view, therefore, of obtaining information upon the subject, he moved for Accounts of the number of persons confined for debt on the 1st of May 1811, the day on which the last act took effect: the number discharged under that act, and the number in confinement on the 5th of February 1812.

Digitized by Google

The Earl of *Moira* expressed his satisfaction that this subject had been again taken up by the noble and learned lord, viewing the motions now made as an anticipation of the noble lord's intention to renew the bill which he brought forward last session. The pledge he had given upon the subject, was a heavy burden upon his shoulders; and he should most sincerely rejoice to see it again taken up by the noble and learned lord, who, from his professional knowledge, was so much better qualified to do it justice. Something he was convinced must be done, and that very speedily, to ameliorate the condition of a numerous class of persons who were daily suffering oppression through the neglect and inattention of the legislature. —The Accounts were ordered.

ORDERS IN COUNCIL.] The Marquis of *Lansdowne* rose to give notice of his intention, in the course of a short time, to bring forward a motion relative to the Orders in Council. Without entering into any detail, he thought it necessary to state that there were two views in which the subject might be considered. The one was, the effect produced by the Orders in Council upon our negociations with the United States of America: and the other, the effect produced by them upon the commerce and prosperity of the country. Without giving up for himself, or any other noble lord, the right of interfering with respect to our negociations with America, if it should be thought necessary he would merely mention that his motion would be confined to the latter view of the subject, namely, the effect of the Orders in Council upon the commerce, the manufactures, and the resources of the country. He wished to name rather a distant day, and would therefore move that the House be summoned for Monday fortnight.

Earl *Bathurst* wished to know which of the Orders in Council the motion of the noble marquis would refer to?

The Marquis of *Lansdowne* said he would state that at a future opportunity; and also apprize the noble earl, if he wished it, of the terms of his motion.

Lord *Grenville* expressed his concurrence with the sentiments entertained by the noble marquis. As to the very injurious tendency of the measures alluded to, independent of the effect they might have on any pending negociation with the United States, he was decidedly of opinion they should be revoked on the ground of internal policy; and in this view, he would ask whether or not petitions had been presented to the Prince Regent praying their revocation? On this subject he thought some particular information should be laid before the House. The people of this country were, in former times, disposed to look to parliament on such occasions; but latterly they were more accustomed to make application to the executive government alone. In the present instance, he would admit they might with less impropriety depart from that principle, because the Prince Regent in council was invested by parliament with the power of revoking them.

The Earl of *Liverpool* agreed with the noble baron, that it was certainly true, the subject had the option of petitioning on such an occasion, either the executive or the legislature. It was one, however, on which he did not mean to lay down either course as a general rule; perhaps in the case before them, the petitioners had taken the most correct course. He should entertain a considerable objection to a motion such as the noble baron seemed to have in contemplation; but every information on the subject which he thought could be consistently communicated, he had no objection to afford.

Lord *Grenville* said, that in consequence of what had fallen from the noble earl, he was not desirous of pressing such a motion; but a great deal upon the subject was already unfortunately known to the public.

FINANCES OF THE COUNTRY.] Lord *Grenville* adverted to the observation he had made on a former evening relative to a statement which had gone forth to the public, of the comparative state of the produce of the consolidated fund in the years ending the 5th of January 1811 and 1812, namely, that the deficiency in the latter year, as compared with the former, amounted to only 2,000,000*l*. He had in consequence moved for the accounts which were now on the table, for the purpose of clearly shewing what the actual state of the revenue was, and it was merely to draw the attention of the House to the arithmetical result of these documents, that he now rose. It surely required very little knowledge of the subject not to be aware that it was a most fallacious mode of considering it, or of stating it, to draw a balance from the mere

Digitized by Google

consolidated fund account, without reference to the items of which the income was made up, or the manner in which they were applied to defray the charge. The real question as to the comparative deficiency was the amount of taxes applicable to the service of the country; and it would be found upon examining the accounts, that the real deficiency in the amount of taxes applicable to the service of the country in the year ending the 5th of Jan. 1812, compared with the year ending the 5th Jan. 1811, was not 2,000,000*l.* but 3,500,000*l.*—Such were the diminishing resources of the country to carry on the wild and extravagant projects in which we were embarked. There were, besides, several observations, which arose out of the manner of making up the account of the consolidated fund: 2,752,000*l.* for instance, was taken credit for on account of interest for Ireland. Had Ireland been in a situation not only to pay her own expences, but also to leave a surplus of revenue, it might have been fair, as a mere consolidated fund account, to place the item in that way; but when it was known that Ireland had unfortunately been unable to pay her own expences, and that this part of the empire had been called upon to defray a proportion of them, it surely was most erroneous so to place this item, when it ought undoubtedly to have been placed on the contrary side. It was in truth of most essential importance, that the real state of the finances of the country should be taken into most serious consideration. Not only the great increase of our Funded Debt, but still more of the Unfunded Debt, combined with the diminishing resources of the country, formed the strongest grounds for apprehension. If the state of our finances was examined with that attention and consideration which the subject most seriously demanded, he feared it would be found that we were little able even to fulfil those obligations which the true interests of the country imposed, much less to carry on those desperate and extravagant projects in which we were so unhappily embarked.

The Earl of *Harrowby* contended that his noble friend had taken an erroneous view of the subject. The produce of the year ending the 5th of January, 1812, was a mere trifle short of that of the year ending the 5th of January, 1810, but because it was not so great as that of the year ending the 5th of January, 1811, the produce of which was the most enormous of any year known before, his noble friend had contended that the resources of the country were diminishing, and that there was ground for alarm. He, on the contrary, was decidedly of opinion, not only that there was no ground for alarm, but that the finances of the country were in a flourishing and prosperous state. That the deficiency in the year ending the 5th of January, 1812, as compared with that ending the 5th of January, 1811, amounted to so much, was easily accounted for. In preceding years the interest of the loans had been provided for, by appropriating taxes already in their full collection; but last year new taxes had been imposed to defray the interest of the loan, which could not be brought into a state of full collection by the 5th of January, in the present year, and which would thus account for several hundred thousand pounds of the comparative deficiency. There was, however, no falling off in the revenue, with the exception of the customs, a deficiency in which was of course to be expected; but the increased produce of the taxes on general consumption, proved the general affluence. As to the interest from Ireland, it was taken credit for to meet the charge on the other side. With respect to the debt, he contended that no war could be adduced, in which so little unredeemed debt had been incurred. From 1803 to 1812, the amount of the unredeemed debt incurred did not exceed seventy millions, whilst the sinking fund had increased six millions, being now more than double its amount in 1803. From all these circumstances, he contended not only that there was no ground whatever for alarm, but that the finances of the country were in a prosperous and flourishing state.

The Earl of *Lauderdale* denied the inference drawn by the noble earl; and maintained, that if the finances of the country were thoroughly examined, it would be found—he did not mean to say that we should be unable to resist a foreign foe, but—that it would be impracticable to carry on those wild projects in we were engaged. Would the noble earl affirm, that if the Bank were to withdraw 5,000,000*l.* from circulation, that we could go on? Would not, in that case, the Exchequer bills fall to 5 or 6 per cent. discount and be returned upon the government, who would thus receive only their own paper in payment of taxes, instead of

Digitized by Google

money? As to what had been stated by the noble earl, that only 70 millions of unredeemed debt had been incurred, it would be found, probably, that that was owing to the provident cares of others, in some of the years of the war; and that if the latter years of the war were looked into, the expenditure would not redound much to the credit of the noble lords opposite. He was satisfied that the whole system of the finances of the country must very soon undergo a minute revision, and become the subject of most serious consideration.

KING'S HOUSEHOLD BILL.] The Earl of *Liverpool* moved the order of the day for the third reading of the King's Household Bill, and observed, that he would now take the opportunity of explaining the subject with reference to the three Bills on the table, all forming part of the same arrangement, namely, the King's Household Bill, the Household Officers' Bill, and the Regency Expences Bill. His lordship then adverted to what had passed in the last session of parliament when the Regency was under consideration, and observed, that whatever opinions might be entertained of the improbability of the King's recovery, they must nevertheless legislate upon the possibility of his recovering, so as to resume the exercise of the royal authority. His lordship then explained the object of the Bills, to appropriate 100,000*l.* for a Household for the King, and to the support of his dignity and personal comfort; together with 60,000*l.* the amount of the King's Privy Purse, and 10,000*l.* to the Queen, to meet incidental expences, making together 170,000*l.* To meet this charge, the Prince of Wales had consented to give up to the civil list from his Exchequer income 50,000*l.* and 70,000*l.* was proposed to be voted by parliament, making 120,000*l.* leaving a deficiency in the civil list, as transferred to the Prince Regent, of 50,000*l.* with, however, a considerable difference of expence, as his Majesty's expenditure had of course been considerably increased by the largeness of his family. The noble earl concluded, by expressing his regret that the question respecting the increase of the expenditure of the civil list had not on former occasions been fairly met, instead of resorting to the mode of making good the deficiency out of other funds, convinced as he was, that if the question had been brought forward, it must have been evident that the increase of the expenditure was unavoidable, and that it was no more than must have been felt by every person from his own private expenditure, and could not be avoided.

Lord *Grenville* observed, that the Bill was such that he could not entirely approve of, although he was perfectly aware of the difficulty attending a task in making a provision for a case so new and distinct from any former situation of things. He agreed with the noble Secretary of State, that it was an essential object for their lordships to have in view, that the arrangement to be formed was not in its nature necessarily permanent, and that as their hopes had been hitherto unhappily disappointed, so their fears might be agreeably undeceived. His first objection to the plan now submitted was, that it was intricate, involved, and obscure, whereas in his opinion, on such an occasion, it ought not merely to be clear and intelligible, but so clear and intelligible, that every man in the kingdom could understand it. He was not prepared to argue the question of the Bill on the principle of the sufficiency or excess of the particular sums appropriated to different purposes. All their lordships undoubtedly felt the necessity of supporting now as well as at any former time, the dignity and state belonging to the exercise of the functions of royalty, and to the person in whatever situation, or labouring under whatever calamity, who continued to wear the crown. They all felt that it was not merely for a sick person, but a sick king, for whom provision was to be made. He had often lamented that in all the arrangements of the civil list, two objects should have been combined so obviously dissimilar as the provision for the civil government of the country, and the expenditure for the royal household. This was not the proper opportunity for entering into such a consideration, but he did think it, in due time, a subject highly worthy of their lordships' attention. An extreme case might, indeed, occur, which would render it expedient to make some alteration with reference to this arrangement, but except in such an extreme case, it was unquestionably the duty of the legislature to respect the contract which had been entered into between the country and his Majesty, when he was competent to give or to withhold his assent. Upon the subject of the excesses incidental to the civil list,

Digitized by Google

the noble lord stated, that when in office, he had conceived it to be the most regular and expedient course to meet these excesses with any available fund in the uncontrouled possession of the crown, rather than to apply for parliamentary aid.

A conversation then took place between lords Grenville and Liverpool as to the legal accountability of the King's Lords Steward and Chamberlain to the Lord Treasurer, after which the Bill was read a third time.

HOUSE OF COMMONS.

Friday, February 7.

Offices in Reversion Bill.] Mr. *Bankes* moved the second reading of the Bill to prohibit the granting of Offices in Reversion, or for joint lives, with benefit of survivorship.

Mr. *W. Dundas* said, he understood that the hon. gentleman who brought this subject forward, had on a former evening stated himself not to be aware that any opposition might be expected. Now, if there had been any understanding to that effect, he begged leave to say that he was no party to it. He should expect more substantial reasons than any he had yet heard from the hon. gentleman, before he could give his vote for making that permanent which had hitherto only been adopted as a temporary measure. He understood the measure which had been adopted, to have originated in a wish of the Finance Committee, that those sinecure places might not be granted in reversion, which subsequently they might think it expedient to abolish; and therefore a suspension of the power of the crown in this respect had been requested; now, he would ask, could it be too much to desire that this branch of the prerogative of the crown might not be destroyed at least till the embryo plans of the hon. gentlemen, who thought proper to recommend such a measure, were known? It might so happen, that when their plans were brought forward, the House might be of opinion they were such as ought not to be adopted, and then they would stand in the predicament of having lopped off a part of the prerogative of the crown, without supplying in any other way the means of rewarding long and meritorious services. The prerogative of the crown he conceived to be a part of the rights of the sovereign, and he thought the House ought not to touch this branch of it until the plan of what was to be substituted for it was known. It was useless, moreover, to pass it there, as he had no doubt it would be thrown out in another place. When the Bill left that House they might bid farewell to it.

Mr. *Bankes* moved, That the entry in the Journal of the House, of the 24th of March 1807, of the Resolution of the House respecting Offices in Reversion, might be read; and the same was read, as follows: "Resolved, That no office, place, employment or salary, in any part of his Majesty's dominions, ought hereafter to be granted in Reversion*." The hon. gentleman said that the introduction of this Bill was not in the least connected with any pending inquiry. He then proceeded to state the origin and progress of the Bill, which was brought in first during the last parliament, and afterwards in 1807, but which was thrown out in the House of Lords. It was a favourite of the House, but they were obliged to submit to circumstances, and not being able to carry it through as a perpetual measure, they were under the necessity of making it a temporary one. In this, however, they had by no means abandoned the intention of making it permanent. Why was it to be assumed, because their views were once or twice opposed by another branch of the legislature, that that opposition was still to continue? Why was it to be supposed, that that branch was incapable of changing their opinion any more than the House of Commons? Probably they might at last come to think that their opposition to the Bill was founded in prejudice. But supposing the other House to be still hostile to the measure, where was the inconvenience, he would ask, of passing it in its present form at this time? It was yet early in the session, and they had time to resort to the temporary measure, if the perpetual one should fail. There was no doubt, that as the evil proposed to be remedied by this Bill was of a perpetual nature, and not like any thing connected with the fluctuation of manners or habits, the law ought to be perpetual also. The granting of offices in Reversion had the effect of frequently vesting those offices in the hands of incompetent persons, in the hands of children, and in persons, who though competent to discharge the duties at the period of the grant, might be incompetent when they should

* See Vol. 9, p. 178.

Digitized by Google

succeed to them. The consequence was, that these offices would at last come to be considered as mere sinecures. With respect to the present measure, as being one of economy, he had never held it out, as one that would materially effect so desirable an object. It however had been dwelt on by the committee, as a measure that would have such a tendency. On the subject of the prerogative of the crown, a point that had been noticed by the hon. member, he was of opinion that the Bill would leave it in precisely the same state in which it was found. If the Bill affected the prerogative at all, it tended rather to increase than to diminish it; if one right of the crown were taken away by the measure, another of more consequence would be substituted in its stead. The offices would still remain, and the influence gained by the crown, in consequence of their not being granted in reversion, would increase in strength and activity. The Bill was also necessary for the remedy of a growing evil. Many of the places recently granted in reversion were not so disposed of formerly; and if the practice were permitted, what was there to prevent the crown from disposing of places in reversion hereafter that had never before been so granted? This practice, he regretted to state, was creeping into extensive adoption; indeed, the principle of such practice had extended itself to the granting of pensions. Pensions were now granted in reversion. Was not this a mode of proceeding that ought to be put an end to? And it could only be put an end to by both Houses of Parliament showing their reprobation of the principle. They must evince their reprobation of the principle, by attacking the evil. With respect to sinecure places, he had said that he should recommend the empowering the crown to grant pensions to meritorious individuals, instead of their being rewarded with such offices. Though he did not press his Bill, on the ground of its being an economical measure, still he thought it would be right in that House, in times like the present, to show that the principle of economy was not only approved, but acted on in every possible instance. He trusted the Bill would be allowed to be read a second time, and that it would not be obstructed in its future progress on such slender grounds as those to which he had replied.

The *Chancellor of the Exchequer* wished the House to remark, that the hon. mover of this Bill had at length admitted, that it would not have any effect in reducing the public expenditure; and that whatever might be its policy, it was not on the ground of being, in the slightest degree, calculated to save the public money, or to relieve the people from their burdens, that he recommended it to the House. Both parties now understood one another. The object that the Bill had in view was comparatively of little magnitude; whenever, on former occasions, it had been pressed forward by members with a strong feeling of its importance, he had never felt any disposition to oppose its progress; but although he had not deemed it worth while on former occasions to resist it, circumstances, it would be admitted, might since have occurred, which might render it necessary for him to express his dissent from the measure. If, in the first place, the Resolution of the House had been to abolish nearly all offices that could be granted in reversion, the maintenance of the few that it might be thought right to continue, would scarcely be deemed a matter of sufficient consequence to induce any opposition to the general plan; but if, in the second place, the House and the country should be of opinion, that the great mass should remain for the reward of meritorious services, and only a few be abolished, then it would not be considered advisable to support a measure so extremely limited in its operation. He certainly, on the general principle, felt no greater disposition now to oppose the Bill than he had done upon former occasions, but finding by the experience of the last and preceding years, that it was likely to meet with serious resistance elsewhere, and deeming the provisions themselves of little moment, he did not think that there was any necessity for raising a topic of disagreement which might be attended with greater evils than those which the Bill proposed to remedy. If, indeed, it could be shewn that great constitutional injury would result from the rejection, it doubtless would be expedient to carry it through the House. His hon. friend had observed, that any proceedings which had occurred, or any pertinacity which had been shewn formerly to this measure in another place, ought not to be adverted to by that House in contemplating the subject, but surely he would admit that it would be right in the first instance to examine on which side that pertinacity had been shewn, whether by the supporters or

Digitized by Google

by the opponents of the Bill, and then another question would arise, from whose pertinacity most injury was likely to arise. He conceived that this measure, from erroneous opinions within, and popular clamour without that House, had been swelled to a magnitude which by no means belonged to it. No such important results could be derived from it, as many seemed anxious to suppose. Separated as it now was from such ideas, by the candid admission of his hon. friend, who acknowledged that the effect would be rather to increase than to diminish the influence of the crown, and that as a measure of economy it would operate nothing, at least some of the main grounds on which this erroneous opinion and popular clamour rested, were removed:—stripped of these two principal advantages, the naked Bill must be acknowledged to be so insignificant in every point of view, that it was in reality not worth supporting. He trusted, notwithstanding he had fallen in with the strong sentiment expressed in favour of the Bill on former occasions, that the House would do him the justice to believe that he now resisted it from a sincere wish to preserve cordiality between the two branches of the legislature. He therefore opposed the second reading of the Bill.

Mr. *Bankes* explained, that inasmuch as the Bill recommended the abolition of certain offices, it was to be considered in some degree as a measure of economy.

The *Chancellor of the Exchequer* added, that pending any measures respecting the abolition or reform of existing offices, he had never offered any opposition, nor would he, while he had the honour to hold the office he now filled, give any interruption to such a proceeding.

Lord *A. Hamilton* pointed out certain offices, the abolition of which was proposed, and which made the present a measure of public economy. The situation of the country rendered it necessary that not a farthing should be uselessly expended, and therefore the Bill should have his cordial support.

Sir *S. Romilly* was much surprized at the conclusion to which the right hon. the Chancellor of the Exchequer had come, since from every thing he had said he had expected a very different determination. He denied that the present Bill, which had several times received the sanction of the House, was of slight importance; nor was it more correct to state, that it had been previously carried by popular clamour. It was true that the public had formed a very strong opinion of the necessity of the bill; and the country would learn with surprise and disappointment, that the Chancellor of the Exchequer had that night thrown out what he had before supported; for the Reversion Bill was suggested by the Finance Committee, whose appointment had been recommended at the beginning of the session of 1807, and whose labours had been approved at its termination, in a Speech from the throne, written by the right hon. the Chancellor of the Exchequer himself. It was wholly erroneous to assert that the measure infringed on the prerogatives of the crown, since its very object was to preserve its interests, and to prevent a lavish and unnecessary expenditure of its revenue. The granting of places in reversion was a most improvident mode of rewarding even meritorious services, because the immediate advantage was extremely small; and the ultimate prospect of a larger profit extremely uncertain. It was doing injustice both to the king and to the people, to permit the practice longer to continue. He concluded by expressing his astonishment that the Chancellor of the Exchequer, after maintaining that the provisions were of little importance, and censuring all pertinacity in opposition, should sit down by expressing his determination to oppose the motion.

Mr. *Whitbread* remarked, that the only two members who had spoken against the Bill were two very principal reversionists. The measure now proposed had always been a favourite with the House and with the people, and when their voices were united for any constitutional object like the present, it was undoubtedly the most sound policy to attain the object so much desired. The right hon. the Chancellor of the Exchequer however, thought otherwise, and maintained that the measure was of little or no importance, although popular clamour had swelled it into magnitude, and his only reason for now resisting it was, his opinion, as opposed to that of the whole country, that it was too insignificant to deserve attention. Had the right hon. gentleman, however, or his colleagues, consulted their interests or their duty, they would never have thrown cold water upon it. It was assumed, too, that it was not a measure of economy. But it was rather singular that this doctrine should be supported by a person who held the reversion of one of the greatest

Digitized by Google

places in the gift of the crown. If it wanted regulation, an answer was immediately returned, that it could not be allowed. Why? Because the Chancellor of the Exchequer possessed the reversion, and if it were regulated, economy being the object, it would doubtless be abolished. Did the right hon. gentleman mean to say, that he, sitting in his place in that House, was not a practical contradiction of his own assertion? Another proof might be found in the odious appointment of colonel M'Mahon to the office of Paymaster of Widows' Pensions, the abolition of which had been recommended thirty years ago, and yet there, too, no regulation was to be allowed; because it was granted in reversion. If the Chancellor of the Exchequer had not the expectancy of lord Arden's place, it might be investigated, and that was a complete exemplification of what the Chancellor of the Exchequer had denied. It was admitted on all hands, that these grants in reversion were a sort of forestalling of the prerogative of the crown, and no man who wished them to be abolished, had any desire to diminish the prerogative; the object was to prevent designing ministers from granting favours to their own infants. He trusted, notwithstanding the specious arguments employed, that the House of Commons, as the representatives of the people, would pass a Bill, from which their constituents expected, and would derive such important benefits. He could anticipate no disagreement between the two branches of the legislature upon a subject where the real duty of both was so obvious; and under these circumstances he felt confident that the Lords would cordially join in a measure, which it was true the Chancellor of the Exchequer said was not important to be done, which the country exclaimed was important to be done, and which the House declared it was important to do.

Mr. *Giddy* thought, that too much had been conceded by admitting that this was not a measure of economy. He did not give his support to this measure, from any idea that it would at all contribute to diminish the influence of the crown. To him it was quite clear, that the plan of granting places in reversion brought a burden upon the public at least three times greater than could arise from such places, if not given in this manner. The circumstance of bestowing these places sometimes upon persons even in their infancy, could not, in his opinion, when mentioned out of doors, produce any thing but disgust. It was giving rewards where no feeling of gratitude, or sense of duty could exist. He thought such places were a blot upon the policy of the country; and, upon these grounds, could not refuse his assent to the measure.

Mr. *Bastard* thought there were two sorts of economy to which the House should attend, economy of public expenditure, and economy of public opinion. The public, he had no doubt, would pay their taxes with much more pleasure, and feel their burdens far lighter, if they were convinced that the public money was honestly and economically disposed of. Parliament was the best judge of what should be in the hands of the crown, and he would protest against any other doctrine.

Sir *John Sebright* thought that this subject did not draw all its importance from the circumstance of its being a favourite measure with the public. If it were rejected now, it would give a proof of inconsistency on the part of that House, which would not be very creditable to its wisdom. The right hon. the Chancellor of the Exchequer had said, that it was an object of no great importance, and he certainly was not inclined to dissent, without much hesitation, from any opinion which that right hon. gentleman might express; but he did not think that the House ought now to reject the measure merely upon the ground that that right hon. gentleman had represented it as a matter of little importance.

Mr. *Elliot* thought the power which was given to the crown, of granting offices in reversion, was disadvantageous to the crown itself, because it afforded an opportunity to mortgage the right of the successor. He did not mean to contend that it would be desirous to abolish the power of conferring rewards for meritorious services in reversion, but that those rewards would be best vested in parliament. He agreed, however, with the right hon. gentleman, that the subject was not of much moment, under the present state of things.

Mr. *Ponsonby* rose and said; Sir, although I have often expressed my sentiments upon this question, I cannot refrain from troubling the House with a very few words. I cannot at all agree that this is a matter of little importance, on the contrary, it appears to me to be of very considerable magnitude, even in an economical point of view; because nothing can be

Digitized by Google

more unfit than that it should be in the power of any minister, when it is convenient to him to call to his own aid, that money which ought only to be the resource of the crown, and to apply it to his own purposes, so as to carry, by force of influence, a measure perhaps highly disagreeable, or even injurious, to the nation. The conduct pursued by the right hon. the Chancellor of the Exchequer on the present occasion, strikes me as somewhat extraordinary: formerly he voted for the Bill, because he said it was of little importance: now he votes against the Bill, because, he says, it is of little importance. The same reason of its being of little importance serves his purpose equally well for or against the measure, as occasion may require. It is not, however, of such light consequence as it relates to the proceedings of the House, in which it has been so repeatedly and unanimously adopted too, in conformity to the opinion of the country, scarcely less unanimous; now, however, for the first time, it is contended that the Bill should be rejected, and the very reason assigned for its rejection, is the very reason why it ought to be countenanced. Undoubtedly if this opposition should be successful, it will neither be very flattering to the consistency or sagacity of the House, which has shewn a strong partiality to the measure, and has persevered in it session after session, and at the time when it imagined its labours would be crowned with success, the Chancellor of the Exchequer steps forward, and, without even any plausible cause being urged, says that he does not approve of the Bill, that it is of little consequence whether it passes or not; but that it shall not pass, because it does not suit his wishes. If members suffer themselves to be so trifled with, it will certainly do little credit to their consistency. Of this I am certain, that if the House consents to it, the public will be by no means satisfied with the abandonment of a measure to which they have directed their anxious eyes; they are persuaded that the measure is a good one, and if it be now rejected, they will not fail to attribute it to the right cause—the undue influence which the continuance of the practice places in the power of the minister. If the Bill be negatived, it undoubtedly will not have the effect of raising the character of the House in public estimation.

The *Chancellor of the Exchequer* explained, that he opposed the Bill on the ground that the objects to be attained by it were of so little importance, that more injury might be expected to result from a discordance in the legislature, than from its adoption. With regard to what had been said on the economy of the measure, his argument was, that at the present moment it would produce no saving of the public money.

Mr. *Elliot* likewise explained, that he did not himself believe the provisions to be of much magnitude, but the precedent was of much importance.

A division then took place upon the question, "That the Bill be now read a second time," when the numbers were:

Ayes	54
Noes	56
Majority against the Bill	—2

The House again divided on a Motion of the Chancellor of the Exchequer, "That the Bill be read a second time upon this day six months:"

Ayes	55
Noes	52
Majority	—3

It was then moved, "That this House do now adjourn," upon which a third division took place:

Ayes	45
Noes	59
Majority against the Motion	—14

List of the Majority and also of the Minority, on the Motion for the Second Reading of the Bill.

Majority.

Ashburnham, Hon. G.	Morgan, Sir C.
Apsley, Lord.	Palmerston, Lord.
Beaumont, Col.	Perceval, Rt. Hon. S.
Barne, S.	Peel, Sir R.
Bickerton, Sir R.	Peel, R.
Browne, H.	Pole, Wellesley.
Carew, P.	Rochfort, G.
Courteney, T. P.	Robinson, M.
Croker, J. W.	Robinson, J.
Disbrowe, Col.	Robinson, Hon. F.
Desart, Lord.	Rose, G.
Fane, Gen.	Ryder, Rt. Hon. R.
Fitzharris, Lord.	Strahan, A.
Fitzgerald, W.	Singleton, M.
Goulbourn, H.	Sutton, M.
Gibbs, Sir V.	Stirling, Sir W.
Hamilton, Hans.	Strutt, J. H.
Hill, Sir G.	Swann, H.
Holford, G.	Somerset, Lord C.
Kenrick, J.	Thompson, Sir T.
Lowther, Lord.	Thynne, Lord J.
Lushington, S. R.	Veriker, R. H. G.
Lockhart, L. J.	Ward, R.
Leslie, C. P.	Wharton, R.
Long, C.	Wellesley, R.
Lygon, Hon. W. B.	Yarmouth, Lord.
Montagu, M.	Yorke, Rt. Hon. C.

Digitized by Google

Minority.

Abercromby, Hon. J.	Lamb, Hon. W.
Adams, C.	Lemon, Sir W.
Babington, H.	Lefevre, S.
Bankes, H.	Martin, H.
Bankes, W.	Macdonald, J.
Bastard, J. P.	Moore, P.
Bourne, S.	Montgomery, Sir H.
Benyon, R.	Myers, T.
Biddulph, R.	Piggott, Sir A.
Brougham, H.	Pochin, C.
Burrell, Sir C.	Posthieu, J.
Colborne, R.	Ponsonby, G.
Combe, H. C.	Ponsonby, Rt. Hon. G.
Elliott, Rt. Hon. W.	Power, R.
Fane, J.	Romilly, Sir S.
Fellowes, N.	Savage, F.
Frankland, Col.	Sharp, R.
Folkestone, Visc.	Sinclair, G.
Giddy, D.	Scott, C.
Grenfell, P.	Sumner, G.
Giles, D.	Tremayne, G. H.
Gower, Earl.	Tierney, Rt. Hon. G.
Hamilton, Lord A.	Thornton, H.
Horner, F.	Vernon, J. G.
Hume, W. H.	Whitbread, S.
Hutchinson, C.	Wynn, C. W.
Johnstone, G.	Wrottesley, H.
Kemp, J. R.	

BILL TO REPEAL ACT 39TH ELIZABETH AGAINST LEWD AND WANDERING PERSONS PRETENDING TO BE SOLDIERS OR MARINERS.] Sir *S. Romilly* rose to move for leave to bring in a Bill to repeal the Act of the 39th of Elizabeth, which constituted it a capital offence, punishable with death, in soldiers and sailors found begging in the streets. The hon. and learned gentleman conceived there could be no objection to remove from the statute book an act of this nature, which went to inflict a capital punishment on persons of this description, who were wandering or begging about the streets, without a pass from their commanding officers. The law had not, to be sure, been acted upon since the 16th of Charles, which last statute continued it, nor would the House deem it expedient to continue acts which, in the present times, never could be acted upon. Mr. Justice Blackstone, in his work referring to this statute, had said, it was "a disgrace to the legislature." Being on the subject of the penal laws, he would take this opportunity of stating, that it was not his intention at this moment to bring forward any of the bills which he had formerly done. In so refraining, he had not in the least altered his opinion as to the necessity of amending the criminal code, nor was his perseverance or patience exhausted. He wished not to weary the House by bills which, from what had transpired, there was no chance or probability of passing the other House. He trusted, however, that the prejudices which now operated would subside, and in a little time be so removed as to afford him the opportunity of persevering with effect. Perhaps in the next session he should bring the subject again under the consideration of the House. He then moved for leave to bring in a Bill to repeal the Act of the 39th of Elizabeth, against lewd and wandering persons pretending to be Soldiers or Mariners.

Mr. *Frankland* rose to second the motion, and went into some detailed observations upon the act which it was intended to repeal. He maintained that Mr. Justice Blackstone had not asserted that the law in question was a disgrace to the legislature, but that it was a disgrace to the statute book, and the distinction, he contended, was an important one. Since the time of Blackstone, however, that act had been virtually repealed by the 32d of the King. The hon. member argued upon the necessity of the act at the time it was provided, and read the preamble of it, which stated that divers lewd, immoral and dangerous persons, contemning all religion, did wander up and down the country, weaponed and in troops, in the guise of soldiers and sailors, disgracing those honourable characters; that divers heinous murders and other offences were committed by them, and that unless some provision was enacted by the legislature to prevent those enormous evils, the consequences to the community must be dreadful. This, he continued, was the state of the country at that time, and in a similar state almost every country in Europe was at the same period; armed banditti infested the public roads; and the act in question was to be considered rather as a legislative declaration of war against persons of desperate practices, than an act of parliament. The hon. member then entered into the precise objects of the act, and the miserable necessities of the times which called for its enactment. He thought it did not disgrace the statute book, but was one of necessary but mild coercion; yet he willingly supported the motion of his hon. and learned friend for its repeal.

Mr. *Lockhart* thought the hon. gentleman had misconceived his hon. and learned friend, whose argument went to the disgrace of having such a statute on

Digitized by Google

the books in the present state of society.

Sir *S. Romilly* observed that the hon. gentleman seemed to have a veneration for the statute of Elizabeth. But this was not the only statute of that queen which must be considered a disgrace, for there was one he could refer the hon. gentleman to which made it a felonious act in any person found in the company of the persons denominated Egyptians. There was another, which made it felony to commune with the Devil. The inflammatory language of these acts was borrowed from her predecessors, Mary, and Henry the eighth. With respect to the statutes, he had looked into them as narrowly as his abilities would allow, and he would assert that the 16th of Charles continued this act, for it expressly said, "it shall be continued till parliament makes some other law on the subject." The hon. and learned gentleman thought men's lives should not be subject to such laws.

Leave was then given to bring in the Bill.

PENITENTIARY HOUSES.] Mr. Secretary *Ryder* rose to state to sir Samuel Romilly, that the Committee who were now sitting to inquire into the propriety and utility of erecting Penitentiary Houses, would not have leisure to extend their inquiries, according to the wish of the hon. and learned gentleman, into the effects produced by transportation to Botany Bay; but he should move that it be an instruction to the committee to examine into the state of the Hulks, and to report thereon as to any improvements which might be adopted. If, however, the hon. and learned member should wish to move for another Committee to inquire into the effects produced by transportation to Botany Bay, he should not oppose the motion. But it was highly expedient that the committee should proceed first in their inquiries respecting the Hulks, as the size and perhaps the number of Penitentiary Houses, would depend upon the circumstances of that mode of punishment being abolished or not.

Sir *S. Romilly* intimated his intention of moving, on Wednesday, for a Committee to inquire into the effects produced by transportation to Botany Bay.

HOUSE OF LORDS.

Monday, February 10.

VOTE OF THANKS TO LORD WELLINGTON, &c.—CAPTURE OF CIUDAD RODRIGO.] The Earl of *Liverpool* rose in pursuance of notice to move the Thanks of the House to lord Wellington, for the capture of Ciudad Rodrigo. In the consideration of questions of this nature, there were two points, his lordship observed, which more particularly called for attention, namely, the importance of the place wrested from the enemy, and the value of the effort used to obtain possession of it. He did not mean to say, that either of these might not, in some cases, be a sufficient ground for voting the Thanks of the House, but in the present instance, both considerations combined to call upon the House to confer that high honour. Of the importance of Ciudad Rodrigo, there could be no doubt; it was the only fortress of note on the north-eastern frontier of Portugal, and on the north-western frontier of Spain. It was originally erected by the Spaniards as a point of defence against any invasion from Portugal, and also as a place of arms to facilitate offensive operations in that country, and the circumstances connected with the current of the river on which it was placed, rendered it in both points of view highly important. By its capture, the defence of Portugal was rendered complete, and at the same time a way was opened into almost the centre of Spain.—Having thus mentioned the importance of this fortress, he thought it necessary to state a few circumstances, to shew why the capture of it by the enemy in 1810 could not be prevented. It was well known, as stated by the French commander in chief himself, that the French force destined for the attack on Portugal, was 110,000 men; of this force 27,000 laid siege to Ciudad Rodrigo. Lord Wellington at that time had only with him 17,000 British, and 14,000 Portuguese, the latter completely untried. The British commander in chief never lost sight of the importance of relieving the place, if possible, and to the last moment had the object in view, but the Portuguese troops being then completely untried, it became a consideration of prudence how far it was advisable to try them under circumstances peculiarly disadvantageous. It was also to be considered, that the allied army must have fought the enemy with the Agueda in their rear, and that even if they had defeated the covering army, still, with the river in their rear, and embarrassed as they neces-

Digitized by Google

sarily would be with wounded, it was more than doubtful whether any advantage could thus be gained. The defence of Portugal was also of the greatest importance; it was not merely one point that was to be attended to, but the ultimate defence of the country, and lord Wellington being certain that he could effectually defend Portugal by having resort to the lines of Torres Vedras, it was essential not to run the hazard of wasting unprofitably the troops through whom that defence was to be made. After marshal Massena had retreated from Portugal, lord Wellington's attention was again called to Ciudad Rodrigo, but his operations in that quarter were interrupted by those of the enemy in Estremadura, to which province the pressure of the war was necessarily for a time removed. Subsequently to the cessation of these movements, other circumstances operated to delay the attack upon Ciudad Rodrigo. It was well known that there was no bridge over the Agueda near Ciudad Rodrigo, except the bridge of the place itself; and at certain seasons of the year, the river was so much swollen by the mountain torrents, that it became impracticable to throw any bridge over it. Lord Wellington also judged it expedient, before laying siege to Ciudad Rodrigo, to have Almeida as a depôt, for which purpose it was necessary that the fortifications should be restored, and he was happy to state that Almeida was now in a respectable state of defence.—In the capture of Ciudad Rodrigo there were many circumstances which must be highly satisfactory. When the enemy laid siege to it in 1810, they completed the investment on the 10th of June, and the place did not surrender by capitulation till the 11th of July. Lord Wellington invested the place on the 8th of January, and this, it should be remembered, under all the disadvantages of a siege, in the depth of winter, and the place was taken by storm on the 19th of that month. In recounting this, it was a subject of no ordinary satisfaction to observe the skill and ability manifested by the engineers and the artillery. Thus completing the proof that in every branch of our military service our superiority was decidedly manifest—our infantry, our cavalry, our engineers, our artillery, our commissariat, all were proved to be decidedly superior—a superiority resulting from a wise system at home carried into practice by the wisdom, the skill, and the exertions of our commander in chief in Portugal. The enemy no longer vaunted of superiority, no longer boasted of driving British troops into the sea, it being now apparent to all the world, that with British hearts in British bosoms we maintained a decided superiority in whatever element we fought.—The capture of Ciudad Rodrigo, whilst it was of essential importance to those great interests which we were engaged in supporting, was a blow to the enemy which he did not expect. It was not conceived possible that Ciudad Rodrigo could have been taken in 11 days. The calculation made upon scientific rules was, that it might hold out for 24 or 25 days. Lord Wellington, however, was aware of the importance of rapidity, and the most unparalleled exertions were made, which were happily crowned with success. The enemy had not the slightest expectation of such an event, and he knew that marshal Marmont calculated in being in good time on the 29th of January to relieve the place—for which purpose the French commander was collecting troops from different quarters, and to do this necessarily weakened the force in other parts.—Whether, therefore, they considered the importance of the place itself, the indefatigable exertions used to achieve its capture in so short a time, or the importance of the success with a view to further operations which were planned by lord Wellington, he thought their lordships must agree that the commander and the army deserved their thanks. Whatever opinions there might exist as to the policy of our operations in Portugal, he thought there could be no difference of opinion as to the skill and ability of the commander in chief, or the bravery and spirit of the army which he commanded. Justice, as well as policy, demanded that they should uphold the honour and the character of our commanders and our armies. To do this was true policy; for let it not be forgotten, that to our officers and to our army, who so skilfully and so bravely defended Portugal and defeated the enemy, we must be indebted, if the necessity should arise, for the defence of our own shores. His lordship concluded by moving the Thanks of the House to general lord viscount Wellington, for the skill, ability, and indefatigable exertions, and consummate wisdom manifested by him in the siege of Ciudad Rodrigo.

This motion was agreed to *nem. dis.* as were also motions of Thanks to lieutenant general Thomas Graham, second in com-

Digitized by Google

mand, and the other general officers, and to the engineers of the royal corps of artillery, and the officers of the royal artillery, and Portuguese artillery; likewise an acknowledgment of the services of the non-commissioned officers and soldiers. —The earl of Liverpool took the opportunity in the course of moving the votes of Thanks, to pay a tribute to the merits of major general Mackinnon, who unfortunately fell at Ciudad Rodrigo; and to express a hope, that the Monument to be erected to his memory would be as lasting as his fame. The Thanks were ordered to be communicated by the Lord Chancellor.

HOUSE OF COMMONS.

Monday, February 10.

VOTE OF THANKS TO LORD WELLINGTON. —CAPTURE OF CIUDAD RODRIGO.] The *Chancellor of the Exchequer* rose and said: Sir; in consequence of the notice which I gave a few days ago, I rise to call the attention of the House to a subject well deserving its distinguished notice, the conduct of lord Wellington and the troops under his orders, at the late capture of the important fortress of Ciudad Rodrigo, and of suggesting to it the propriety of marking this achievement with its warmest thanks and most sincere approbation. Although some doubt may be entertained, whether the consummate skill, industry, adroitness, and judgment of the commander in chief, or the energy, gallantry, and zeal of the forces have reflected the greatest honour on British arms; yet I am persuaded there will be no difference of opinion in according that these two circumstances united, cast a splendour round the laurels of the allied troops, which will fully entitle them on this occasion to that proud distinction which they have frequently received before from parliament, and will raise for them claims to new distinctions, if I may so express myself, to add yet further lustre to the brilliancy of their glory. I believe that the precedents are rare (perhaps this is the only one), in which an enterprize of this kind has been made the subject of particular notice by the House, but I am confident the House will feel that there are on this occasion circumstances of such a nature as to render the propriety of it obvious, and even to justify a Vote of Thanks, had it been a solitary instance in which they had been conferred.

The House is doubtless aware of the transactions which occurred during the short period which was occupied in performing this brilliant exploit, and therefore I will only notice them generally. On the 8th January, lord Wellington completely invested, and on the same day broke ground, before the city. The French, in the time in which they occupied the fortress, had employed themselves in making considerable and important additions to its strength—they had erected several new redoubts, particularly on the hill of St. Francisco, connected with the place by a chain of convents, fortified by palisadoes and other judicious means of defence. By this circumstance the approach to the place by a besieging army was rendered much more difficult; but lord Wellington immediately commenced operations by a successful attack upon San Francisco, by a body of troops headed by lieut. col. Colville, and the first parallel having been thus commenced, the place itself was converted into a redoubt. From the 9th to the 13th January the operations were continued, and on the night of the last mentioned day, the convent of Santa Cruz, which communicated with the body of the fortress, was taken by surprise by general Graham—thus protecting most effectually the right wing of the allied army. On the 14th the convent of San Francisco was attacked, captured by lieut. col. Colville, and the suburbs entered and taken possession of by the British troops. From the 15th to the 19th the works were continued, and the second parallel was completed. The batteries during this period had throughout kept up a warm fire, and had made a considerable impression on the walls, in which two breaches had been opened, conceived by the enterprising commander in chief to be at that time practicable, although such regular approaches towards the city had not yet been made, as are usual in undertakings of this arduous nature. Lord Wellington, with the assistance of his generals, deemed an assault advisable—and taking into view the situation of both armies, the means of attack possessed by the one, and the means of defence and annoyance by the other, determined that the assault should be made after nightfall on the 19th of January. The attempt was made by the allied troops in five columns: the two right columns were led by lieut. col. O'Toole, and major Ridge; the third was formed of major-

Digitized by Google

general M'Kinnon's division. The fourth column, under major-general Craufurd, was directed to make an attack on the breaches to the left; and general Pack's brigade formed the fifth. All these operations succeeded, and one of them beyond expectation, general Pack having converted the false attack he was directed to make into a successful enterprise, and by his vigorous proceedings taking prisoners all who ventured to resist his progress. Thus in less than half an hour from the commencement of the assault, the British army, with undaunted intrepidity, forced its way into the centre of the city, and reduced the enemy to the necessity of surrendering a fortress he had vainly attempted with his utmost exertions to retain.

Unfortunately for the country, but more especially for the army, general M'Kinnon, in leading on that portion of the forces placed under his orders, was killed by the accidental explosion of a magazine he was approaching; and I am certain that the House will not hesitate a moment in concurring with me in thinking, that this unhappy loss should be followed by that mark of respect, affection and gratitude unquestionably due to the remains of an officer so gallant and experienced in the field of battle, and so amiable and virtuous in his private circle. I shall therefore propose, that a Monument be erected to his memory.—General Craufurd also was severely wounded, and, according to the dispatch of lord Wellington, the service, to the honour of which he has so much contributed, may be long deprived of his example and assistance. In the list of the wounded I am likewise sorry to include the name of major-general Vandeleur.

These transactions, it will be obvious to common observation, as I stated in the opening, are marked with distinguished and almost singular merits: I say it will be obvious to common observation, because persons unacquainted, like myself, with military tactics, will find themselves greatly assisted in appreciating the value of this signal triumph, by having an opportunity to compare these proceedings with those of a similar attack directed against the same place; and the House and the country, upon the present occasion, possess the peculiar advantage of forming a contrast most decidedly in favour of our gallant army. Lord Wellington, it will be recollected, invested Ciudad Rodrigo after it had been most materially strengthened by all the military skill which the French engineers are acknowledged to possess, on the 8th January, and on the 19th January the British army took possession, having been engaged only twelve days in commencing and completing their works, and in accomplishing their glorious project. What is the fact with regard to the French army, when it sat down before the same place, not deficient in any of the ordinary means of attack, and by far more numerous than the allied army? It is true, that the garrison, on the present occasion, was smaller in number, but far superior in discipline, being composed of the most experienced and tried soldiers of the French army, among whom were engineers, who, with consummate skill and ability, directed the employment of every means of resistance that could be devised. Marshal Massena sat down before the place on the 11th of June, 1810, broke ground on the 15th, opened his fire on the 24th, and the place did not surrender until the 10th July, comprehending a space of thirty days employed by the French, in investing, attacking, and obtaining the same fortress, which subsequently, much improved and strengthened, yielded to British intrepidity after a siege of only twelve days. The facts, as simply detailed, give to the House a much more just impression of the almost unexampled courage and ability displayed in this achievement, than any language of mine can possibly convey. I believe there is scarcely a gentleman in the House who has not had some opportunity, by means of private communications from those who were eye witnesses of the scene, of properly estimating this brilliant conquest, in which every local circumstance was taken advantage of by the general, and his judicious views seconded by the zealous support and determined gallantry of those whom he commanded.

I know not if it be necessary for me to submit to the House any further observations upon this subject, being satisfied that the impression upon the mind of every honourable member will be so strong, that it will be in vain for me to attempt to add to it. I am sure that the House will concur with me in opinion, that the present case fully deserves that distinguished mark of approbation which parliament is always happy to be enabled by events, to confer upon the gallant defenders of their

Digitized by Google

country and their allies. I shall therefore content myself with moving, "That the Thanks of this House be given to general lord viscount Wellington, for the skill, decision, indefatigable exertions, and consummate judgment manifested by him in the recent siege of Ciudad Rodrigo, by which that important fortress has been wrested from the enemy in the short space of eleven days."

General *Tarleton* seconded the motion, and begged to add a few expressions of admiration, flowing, not merely from his lips, but dictated by his heart. It was impossible, he said, to add any thing, by brilliancy of description, to the lustre of the late transaction; but as the oldest general in that House, he wished to point out in it some characteristic marks of British gallantry. Whether the skill of the commander in chief, or the bravery of his troops were referred to, he defied any nation to produce an example of similar splendour, of troops so steady within arms, or so silent in attacks made under cover of the night. If the leader of any of our columns were disabled, the efforts of his troops were not relaxed. When what was technically called "the forlorn hope" was to be formed for the purpose of the assault, instead of 350 volunteers, which were required, no less than 700 men instantly offered themselves from only two regiments. He would not waste the time of the House by further dilation, since it was impossible for the genius, the eloquence, the research, or the memory, of all its members to produce an achievement, whose glory at all equalled the splendour of the capture of Ciudad Rodrigo.

Mr. *C. Adams* made a single observation, in which he suggested the propriety of conferring some additional mark of gratitude on lord Wellington.

Sir *H. Montgomery* was proceeding to notice some misrepresentation of what he had stated on the question of voting thanks to lord Minto, when he was interrupted by the Speaker, who informed him that such a subject was wholly irrelevant to the matter before the House.

Mr. *Biddulph* observed, that what he was about to remark might be irrelevant also, but he could not help inquiring why ministers had not proposed a Vote of Thanks to general Hill, for the defeat of general Girard, at Merida?

Mr. *Arbuthnot* was anxious that the name of major Napier should not be forgotten among the list of those who had signally distinguished themselves. He was one of three brothers who had received among them eleven wounds. The late sir John Moore had expressed his high opinion of this brave officer, who had served and suffered in his country's cause as much as any man in the army.

General *Loft* paid a high compliment to the talents of lord Wellington, in whom the army had perfect confidence, whether he was acting on the defensive, or leading his troops to the attack. Another reason which induced him to concur in this vote was, the incitement it would be to young men yet undetermined to commence a career of glory in the army, when they held in prospect the honourable reward which was now bestowed.

The Vote of Thanks to lord Wellington was then passed, *nem. con.* as were also the following.

Resolved, *nem. con.* "2. That the thanks of this House, be given to lieut. general Thomas Graham, second in command, to lieut. general Thomas Picton, major-general the hon. Charles Colville, major-general Robert Craufurd, major-general John Vandeleur, and to colonel Dennis Pack, brigadier-general in the Portuguese service, for their distinguished exertions during the recent siege of Ciudad Rodrigo, which was gloriously terminated by the successful assault of that important fortress upon the evening of the 19th of January last. 3. To the officers of the British and Portuguese forces who so nobly led the allied troops to the assault of Ciudad Rodrigo upon the evening of the 19th of January last, and brought the siege to a speedy and successful termination by exertions of the most signal valour and intelligence. 4. To the officers belonging to the corps of royal engineers, and to the officers belonging to the royal artillery and Portuguese artillery, serving under the command of lord viscount Wellington at the recent seige of Ciudad Rodrigo, for the professional ability and indefatigable zeal displayed by them throughout the operation. 5. That this House doth most highly acknowledge and approve of the distinguished bravery, zeal, and discipline so conspicuously displayed by the non-commissioned officers and soldiers of the British and Portuguese forces employed in the glorious assault of Ciudad Rodrigo upon the evening of the 19th of January last. 6. That this House doth highly acknow-

Digitized by Google

lodge and approve of the good conduct, spirit of enterprise, patience and perseverance manifested by the other general officers, officers, non-commissioned officers, and soldiers belonging to the British and Portuguese forces which served under the command of general lord viscount Wellington in the recent siege of Ciudad Rodrigo."

Ordered, That Mr. Speaker do signify the said Resolutions to general lord viscount Wellington; and that lord viscount Wellington be desired to signify the same to the generals commanding the allied armies at the late siege and capture of Ciudad Rodrigo.

Resolved, *nem. con.* That an humble Address be presented to his royal highness the Prince Regent, That he will be graciously pleased to give directions, that a monument be erected in the Cathedral Church of St. Paul London, to the memory of major-general Henry Mackinnon, who fell gloriously on the 19th of January last in the assault of Ciudad Rodrigo, by which that fortress was wrested from the possession of the enemy; and to assure his Royal Highness that this House will make good the expence attending the same.

MR. EDEN'S MOTION FOR A COMMITTEE ON THE CIVIL LIST REVENUE.] Mr. *Eden* rose to make his promised motion on this subject. It was, he said, a principle not to be departed from, that all applications to parliament for an increase of the Civil List, should be appeals to the justice rather than to the generosity of the House. The civil list was intended to meet the expences incident to the support of the dignity, power, and splendour of the royal establishment. It was independent of parliament on the one hand, and calculated on the other to preserve the people from additional burthens. When once limited by parliament, it was the duty of those who superintended and controled its expenditure, to square their measures with the allowance given, and it was not for parliament to keep pace with their extravagance. He was aware that circumstances might arise to render augmentation necessary, but in that case it was the duty of the House to examine whether that arose from a proper expenditure, or from mere idle extravagance. They ought to see that a real necessity existed, and not grant additions, which were made necessary by waste. It was under these feelings the House had acted in 1802, when Mr. Addington wished to augment the civil list. He had moved for the appointment of a committee, which sat and made several reports, in some branches recommending further payments, in others retrenchment. According to these reports, the civil list was augmented in the sum of 66,000*l.* and further by the taking away charges formerly bearing upon it, to the amount of 198,000*l.* more. The House had also in the late bills, but without inquiry or investigation, added 130,000*l.* to the civil list. It was his intention to call the attention of the House to these circumstances, and to shew how far the expences of this list had exceeded the estimates since 1804. His purpose was to shew that the funds were not managed with proper economy. The civil list revenue was divided into nine classes. The first, consisting of salaries to the royal family, was liable to no variation, except from the increase or decrease of their number, and it had accordingly diminished in amount, owing to the late death of one of the princesses. The second class was of a similar description, containing the salaries to the Lord Chancellor, the Speaker of the House of Commons, and the Judges, and consequently susceptible of no variation. The third class was salaries to ministers at foreign courts. This head, in 1804, was estimated at 112,330*l.* and was of a nature to lessen with the diminished extent of our foreign relations. Its other head consisted of pensions to ministers in retirement. The expences of these two items taken together, were below the estimate, though they had increased during the last three years, he believed, from the increased number of new appointments. In the fourth class the greatest excess had taken place; namely, for approved bills of trades-people and artificers. This head was, in 1804, estimated at 172,000*l.*; but in 1805, it amounted to 296,000*l.* This great excess arose in the departments of the Lord Chamberlain and the Lord Steward. The Lord Chamberlain's expenditure had been estimated at 65,000*l.* but in 1805, it rose to more than double that sum, being 133,000*l.* And in other subsequent years, it had reached a still higher sum. In Mr. Burke's bill, introduced in 1782, for the purpose of limiting and controuling this department, it was provided that no expence arising therein, beyond the amount of 1,000*l.* should be paid without being previously

Digitized by Google

submitted to the Lord Chamberlain, and to the Treasury, and also enacted a variety of other excellent checks. He wished to know, if these regulations had been attended to? The very first charge in the paper before them was 3,522*l.* for a Gothic entrance to the Treasury; which is a building, as every body knows, that has no style, or character of architecture about it. But this was a trifling matter, compared with others. The repairs for Windsor for four years amounted to 55,000*l.* and furniture for the same palace 76,000*l.* These undoubtedly appeared very large sums; but he might be told, that Windsor being peculiarly the royal residence, the expences could not be measured on a common scale. If Windsor, however, was the royal residence, Kensington was not: for the expences of Kensington, he saw 25,000*l.* charged, and for what? It was not for building a house suitable to the residence of one of the junior branches of the royal family, but merely for repairing and altering the suit of apartments occupied by the duke of Kent! Sixteen thousand pounds were also expended in altering and repairing apartments for the princess of Wales; and, in addition to this, there was a charge of 56,000*l.* for furniture, making in the whole a sum of nearly 100,000*l.* expended for repairing and furnishing two sets of apartments!—He was most willing to contribute liberally to every thing consistent with the splendour of royalty; but when parliament gave such allowances to these royal personages, and some of them also held high and lucrative offices, it was not right to pass over such matters without inquiry, and the enactment of further checks, if those already imposed were found to be insufficient. With regard to the Lord Steward's department, it was estimated in 1804 at 75,000*l.* the following year it was 129,000*l.* A little more economy had, indeed, prevailed in the next year, but within the last three years the expenditure had again increased. Last year, one of gloom and despondency on account of the illness of his Majesty, it would have been expected to be much diminished; but on the contrary, it amounted to 115,424*l.* an excess which could not be accounted for by the depreciation of the currency, which, even by alarmists, could not be taken at 50 per cent. In his opinion, great reform was necessary in this department.—Although many of these things taken separately were hardly worth detailing, yet when put together the amount was very serious. It might be said that it was difficult to suggest reforms; but it would not be difficult to carry into effect those principles of reform which were suggested in 1782, namely, supplying by contract instead of purveyance, abolishing useless offices in the household, and paying by salaries instead of perquisites. He should just mention one great abuse on this head. The charge for candles alone were 20,000*l.* and yet it might well be supposed, that the object of this royal illumination was not so much to administer satisfaction to the royal family by this transient splendour, as to put money in the pockets of those who had perquisites from those candles. In some departments no reform was necessary. None could be better managed than that of the Master of the Horse, where no such increase of expence had taken place as in most of the other departments.—The sixth head of expenditure consisted of Pensions, but these did not require any notice at present, as he believed the whole of their amount did not exceed the sum which was fixed in Mr. Burke's bill. Neither should he say any thing on the seventh and eighth classes of expenditure under the Civil List Revenue, but proceed to the ninth class, which contained various items well deserving the attention of the House, as he conceived it had been subject to great abuses. The estimate of 1804, for Home Secret Service money, was 10,000*l.* and this sum was annually charged like an annuity, as if nothing ever caused it to vary in the slightest degree. This he considered as somewhat curious. The second item was for Special Service and Royal Bounty, which had greatly exceeded the estimate. This had been accounted for, by saying that some new classes of payments were added to this account; but would the same apology apply for the rise from 12,000*l.* in 1804, to 31,000*l.* in 1808, and 32,000*l.* in 1810? Within the last year, however, it appeared to be reduced to 19,496*l.*; and he really thought some explanation was due to the House on a subject where such variations of expence took place.—The next head of expence to which he begged to call their atention, was that of Extraordinary Disbursements to Foreign Ministers. This, doubtless, was a subject of considerable delicacy; and he might probably be told that it belonged to the very nature of secret service money of this sort, that the pur-

Digitized by Google

poses for which it was expended should not be disclosed. He was aware of the force of this reasoning, and that it might be both unjust to individuals and injurious to the interests of the country, to publish in what way these sums were disposed of: but he must be allowed to observe, that a very large sum was annually appropriated out of the supplies, for the purpose of secret service money; and was it to be borne, that the same sort of expenditure should also be mixed up with the various charges on the Civil List revenue? He should be most unwilling to examine with rigid severity into these disbursements to Foreign Ministers, particularly where they may have consisted in payments for secret service: but still it would be a fair subject of enquiry for a committee, what receipts and vouchers had been given in to the Treasury; and still more, why two services had been mixed up together, and secret service money charged on the civil list, while so large an annual sum was appropriated by parliament for that very purpose. But the same reasons of delicacy and danger as to any explanation about secret service money would not extend to the equipage expenses of foreign ministers. It would be necessary for the committee to examine why large sums had been given for the outfit of some ministers who had never gone out to the place of their destination. One right hon. gentleman (Mr. Arbuthnot) had on a former night expressed his willingness to give every explanation with regard to the expences of the embassy on which he had been employed. This explanation he trusted to hear that night; for really he could not see at present why a sum of more than 40,000*l.* should stand against that right hon. gentleman's name, as the amount of extraordinary disbursements on his embassy to Constantinople; and why it was at all necessary to build a palace for the British legation at that capital, which should cost 26,000*l.*—The next charge was that of Contingent Expences of the Treasury. This, in 1804, was calculated at 1,500*l.* but had gradually increased to between 4,000*l.* and 5,000*l.*—He trusted that he had, upon the whole, established sufficient ground for the House going into a Committee of enquiry on this subject. There was every appearance that in the course of no long period, the House would have to settle the amount of the civil list. This was an event to be looked forward to in the common course of nature; and, therefore, the House should not be unprepared to come to a right determination upon it. Upon all these grounds he should now move, "That a Select Committee be appointed to consider of the charge upon the Civil List Revenue; and that they do report the same, with their observations thereupon, to the House."

Mr. *Arbuthnot* said, the hon. gentleman who had just sat down had so particularly called upon him, that he hoped the House would excuse him if he rose thus early in the debate. He should not follow the hon. gentleman through the whole of his statement, but he begged to mention one obvious reason why it appeared to him impossible, that, without injury to the public interests, and without injustice to private individuals, the House should grant the Committee moved for by the hon. gentleman, at least as far as it related to foreign ministers. He was sure the House was not aware of the detriment which frequently ensued from the publicity given to the dispatches of ministers sent by this country to foreign courts. In order to shew the injurious consequences which sometimes follow from the publication in this country of the dispatches of foreign ministers, he begged leave to state a circumstance that occurred to him in one of the missions in which he had had the honour of being employed. It would be obvious to the House, that he could not, with propriety, mention the place, or the names of the persons to whom he was alluding; but the fact he meant to state was, that it once happened to him, when employed upon a mission of considerable importance to the interests of this country, to be upon terms of the most confidential intimacy with the minister of an allied power, resident at the same court. That minister received dispatches, with the contents of which it was of essential consequence that he (Mr, Arbuthnot) should be acquainted. It was of the more consequence, because it frequently occurred that the ministers of foreign courts received more regular dispatches than our ministers did; and, at the very time to which he was alluding, it did so happen that he had not received any dispatches from this country. The only means he had of ascertaining the relations subsisting between his own court and that of the minister to whom he was referring, were from a perusal of the dispatches received by that minister. He accordingly applied for, and obtained, permission to peruse those dispatches, which were of a

Digitized by Google

nature to make it evident that it was necessary for him to support the representations of that minister, and he had, at the time, no other grounds upon which to form his conduct, not having, as he had before stated, received any instructions from his own court. It happened that, about that time, English papers were received at the place to which he was alluding, containing some public dispatches which had been printed by order of that House, and which, if he might be permitted to say so, had better have been kept secret. The instant that these papers were received, the minister, with whom he was in confidence, refused any longer to make those communications to him, alledging, that he could not do it consistently with his own safety. If that minister had acted upon that resolution, he (*Mr.* Arbuthnot) would have been at a loss what conduct to pursue. Circumstances had occurred which seemed to indicate that the court, to which that minister belonged, was not so intimately connected with the court of London as he had previously supposed it to be; although, indeed, as he afterwards ascertained, these were but mere appearances. In the difficulty into which he had been brought, and brought by the indiscreet publication of dispatches at home, he had but one course to pursue. He requested the foreign minister, to whom he was alluding, to inform him at least how the court which that minister represented and the court of London were acting together; and at the same time he declared to him that, if this information were withheld, he could no longer continue to support his representations. With this request that minister at length complied, but it was upon condition that he would promise, upon his honour, that those communications should not be transmitted to England in his public dispatches. He gave the promise required, but he asked permission to convey the information in private letters, to which, after much entreaty, the minister consented. This circumstance reminded him of an observation made once by a member of that House (by a noble lord he believed) that he could not understand what was meant by private letters from foreign ministers. He begged to assure the House, that if it were not for such private communications, no foreign minister would be able to discharge the duties of his mission. An hon. friend of his opposite to him had, upon his mentioning what had happened to himself, related facts to him of a much more curious and important nature. He did not feel himself at liberty to state the particulars; it was sufficient to say, that even the salvation of Europe might at that time have seemed to depend upon his hon. friend having a free communication with those to whom he was directed to unfold himself confidentially; but such was the jealousy entertained by all foreigners in consequence of the publicity given to dispatches in this country, that it was considered dangerous to communicate with the ministers of this court.

With regard to his own pecuniary accounts, he was so circumstanced that he had no excuse to make for not giving a full detail of them; there was no explanation which he was not ready and willing to give. [Here there was a general cry of Hear, hear!] But he wished to stand as it were in the gap between the House and other ministers who had been employed in foreign missions, and who, some of them, might be differently circumstanced from himself. It might be urged, that if it were necessary that these secret expences should be incurred, they ought to be defrayed out of the Secret Service Money, not out of the Civil List. The observation would be one which he should not pretend to dispute; but still it might happen, as in particular instances it had actually happened, that this could not always be the case.

He begged also to state, that it was not merely the publicity given to diplomatic papers which produced the whole of the injury. It was to the very principle of such publicity to which he must object. It was not to be expected that persons on the continent, unacquainted with our usages, could be aware of the extent to which we made our dispatches public; but when they saw that so much publicity was given to whatever was connected with our diplomatic relations, how could they be sure that their names and their communications would not also be made known to the world. This was a point which he was most anxious to press upon the attention of the House, because it was one which most materially affected our interests in our intercourse with foreign nations.

He trusted that, before he sat down, he should be able to satisfy the House that there were such checks upon the disbursements of foreign ministers, as would render the appointment of the proposed Com-

Digitized by Google

mittee unnecessary, as far at least as the accounts of those ministers were concerned. He should now proceed to give the explanation which he had promised. The sum charged against his name was not, as had been stated, 46,000*l.* but 47,897*l.* He should class the heads of expence in a different form from that in which they were laid before the House; the sums, however, would be the same, but he thought that the mode he should pursue would make the subject more intelligible. The different heads under which he proposed to class them were, First, those relating to the British palace erected at Constantinople: Secondly, the extraordinary disbursements of the mission: and thirdly, the compensation he had received for his own losses. The hon. gentleman desired to know, why it was necessary to erect a palace at Constantinople. He would give him, he hoped, a satisfactory answer. He was afraid he should trespass too long upon the time of the House in giving these details, but he trusted he should be pardoned. It was necessary to state that such was the nature of Pera, the suburb of Constantinople, in which foreign ministers resided, both with regard to houses and streets, that it was impossible to find a house there fit for a minister to live in. Of this fact his hon. friend, who succeeded him, he was sure, was convinced, and would confirm his statement. Not only the more powerful nations of Europe, but even all the smaller ones, which sent embassies to Constantinople, had palaces annexed to their missions. In former times, when there was not the same political importance attached to the British mission to Constantinople, that there has recently been, the British minister had a palace, and that palace had been inhabited a century ago by Mr. Wortley Montague, and being entirely composed of wood it had been found impossible to repair it. When lord Elgin was at the Porte, there being no French ambassador there, his lordship occupied the French palace. But the Porte being desirous of manifesting its respect for this country, gave a piece of ground, and undertook to build a palace for the British minister. Lord Elgin thought it necessary to send for architects from other countries to superintend the erection of the palace, as other ministers had done, and not to build it according to the Turkish manner. The Porte, as he had already stated, had most liberally advanced the money for the erection of this palace. The ground allotted was also very extensive, as the Porte insisted that the British palace should be as superior to others, as our court was then, in their estimation, superior to that of the other nations of Europe. When lord Elgin left Constantinople, the palace was not finished; the building, however, was considerably advanced; the outside walls and some of the inner walls having been erected.

His lordship was succeeded at Constantinople by Mr. Drummond, who disliked the residence in that country so much, that he wrote home to be recalled, and therefore did not take upon himself the trouble or responsibility of finishing the palace; he, however, had it covered over, leaving it to future ambassadors to complete it. Such was the state of the palace when he (Mr. Arbuthnot) was appointed to the Turkish embassy. Upon his arrival at Constantinople he learnt from Mr. Stratton what was the actual state of the palace, and he was informed by him, that it must immediately be completed, as there was not any other residence even fit for a minister of the lowest order to reside in. Under these circumstances he felt it to be his duty to write to lord Harrowby, then Secretary of State for the foreign Department, for instructions how he was to act. His lordship gave him discretionary powers, it being impossible on account of the distance of the two courts to give precise directions; but his lordship desired, however, that the government might be apprised and consulted before any large expences were incurred. As he found that a large sum would be necessary, he wrote home to lord Mulgrave, who had succeeded lord Harrowby, and stated that, in order to save the public money, he intended to sell a part of the ground, though it would be injurious to the view of the palace, and he did actually agree to sell a part for 3,000*l.* Lord Mulgrave sent him directions to complete the building of the palace. Soon after the arrival of these instructions from lord Mulgrave, he was informed of a circumstance of which he was not before aware, *viz.* that as the ground had been purchased by the Porte for a British palace, it would probably give offence if any part of it were sold. This induced him to apply to the persons to whom he had agreed to sell the ground, and to request that they would restore it to him, which of course increased the expence. Under these circumstances he

Digitized by Google

proceeded with the building, which certainly was upon a very extensive scale; but he was not responsible for its size, as it had been begun, and the walls as he had already stated, had been built by lord Elgin. He would now state the different sums which he had drawn for on this account—he would state the details if the House thought it necessary. [Here there was a cry of no, no!] The sum drawn for was large, but as the building was immense, as large he believed as was ever inhabited by a private individual, he trusted that the House would not think that the expence had been extravagant. His hon. friend opposite to him (Mr. Adair,) who had seen the palace, would, he was confident, confirm this part of his statement, and would satisfy the House that the expence incurred in the decorations or furniture was not greater than was absolutely necessary. In addition to the expence of building the palace, was that of furnishing; and he was obliged to procure the chief part of the furniture from this country. The sum necessary for this purpose (the expence of carriage and freightage being very great) amounted to 5,817*l.* The vouchers for every shilling of these sums were deposited in the foreign office. He begged leave here to state, that when his salary was arranged, it was understood that he should find a house to reside in without any expence to himself; but that not being the case, it had been deemed reasonable that he should be reimbursed the expence he was put to in procuring one. In this opinion the succeeding governments with which he corresponded had concurred. In addition to the above sums, he had been forced to the necessity of drawing for 1,000*l.* under the circumstances which he would state to the House. It was his usual practice to take from the banker at Constantinople the various sums which he wanted on public account, and the government here had taken such a length of time to examine and to pass his accounts, that the sum which he had mentioned had become due to the banker for interest before the money was remitted from Great Britain. He was sure that the House would not think that a debt so incurred ought to fall on him; and he must here remark, that the tardiness evinced by each succeeding government to pass his accounts, supported as they were by the most unobjectionable vouchers, afforded no mean proof that the public disbursements of foreign ministers were sufficiently checked and controuled. He had also to pay interest for money advanced by his banker to him, but he had taken care to separate all the sums which were on his private account, from that which was advanced for the public service. He now came to the second head, which was that of extraordinary disbursements. The first item was for messengers, 3,133*l.* 9*s.* 8½*d.* He did not know whether this would appear to be a large sum for messengers, but upon his arrival at Constantinople, he put the establishment of messengers upon the most economical footing. He did not permit them to be upon the usual footing of messengers from England, but ascertained the expence of their journies, and he paid them accordingly. He had to carry on a very extensive correspondence not only with England, but with Petersburgh, Vienna, Bagdad, Egypt, the Morea, Albania, and other places which it was not necessary to enumerate. He had also to state, that in consequence of the great insecurity of the roads, he could scarcely ever carry on his correspondence by the post, but was obliged to send messengers. He therefore hoped the House would not think the expence too large.

The next item he had to state was that of presents and money given to janissaries. It was necessary to observe, that a foreign minister could not obtain an audience with the ministers of the Porte without upon every occasion making presents to them:—the sum charged for this purpose was 1,899*l.* 10*s.* 5½*d.* It might be supposed that as he gave, so he also received presents in return; but this was not the fact, he had never received a single present, except two pelisses at his public audiences from the Sultan, which was in conformity with the custom of that court.

The foreign ministers of other courts constantly received presents; he, however, had never done so; but he claimed no merit from this circumstance, as his immediate predecessor Mr. Drummond had first put an end to that practice.

It had also been the custom of the foreign ministers to receive considerable sums of money from those persons who were under the protection of the mission, but he had never received any such sums; here again he claimed no merit, as Mr. Drummond had also abolished that practice. He had therefore distinctly to state, that although he had made presents to

Digitized by Google

others, he never had in a single instance received one himself. (A general cry of hear! hear!)

The next item in the account was 1863*l.* 12*s.* 9*d.* for dragomans. In former times when our missions to Constantinople were more of a commercial than a political nature, and belonged in fact more to the Levant Company than to the government, the expence of dragomans was defrayed by the Levant Company; but when it became necessary to send an embassy purely political to Constantinople, that Company refused to any longer defray the expence of the dragomans, and it of course fell upon government.

Under these circumstances, it became his duty to pay the dragomans, and this he had done in the most economical manner.

The various sums he had already enumerated amounted to above 30,000*l.* not one single shilling of which had in point of fact passed through his hands. The banker at Constantinople had advanced the money; he examined the accounts, and regularly transmitted the vouchers to his government.

The next item was for extraordinary expences. When he went on the mission, his salary as paid net to him, was fixed at 6,452*l.* but he soon found that it was impossible for him to live upon that salary, for his expences amounted to double that sum. He immediately informed his court of that circumstance. Being at that time unable on account of domestic circumstances to attend as much as he could have wished to all the details of his establishment, he requested his friend the Russian minister, M. de Italinski, to examine the state of his expenditure, and to give his opinion whether or not it was too large. [Here Mr. Arbuthnot read a letter from M. de Italinski, stating that he thought his establishment much too small; in particular, he said it was deficient in valets and livery servants, as a great degree of shew and splendour was necessary in that place. He also added, that as the price of every article was daily increasing, his expences would annually exceed 150,000 piastres, about 10,000*l.*]

Finding, as he had already stated, that he could not live upon his salary, he wrote home to his court stating the situation in which he found himself, and adding that unless his salary should be raised he could not remain at Constantinople. He begged leave here to mention another circumstance which had added considerably to his expences. When he was about to leave England to proceed upon his mission, he received directions to go to Vienna, instead of proceeding at once to Constantinople in a frigate as was at first intended. Sir A. Paget, our minister at Vienna, had signified a wish to come to England upon his private affairs, and he had been directed to carry on the business of that mission during his absence. It afterwards appeared that sir Arthur was not desirous of quitting his post; but it was scarcely necessary to state that he had been put to a very considerable expence in travelling with his family across the continent, and during his stay at Vienna.

While he was remaining in that capital he had written to Constantinople to procure a house, as the palace was not completed; he had also given directions for procuring a country residence, which was necessary; and he likewise gave orders for the proper number of servants to be engaged. When he left Vienna to go to Constantinople, he applied to lord Nelson, who at that time commanded in the Mediterranean, for a frigate, but several months elapsed before he could procure one for his passage from Trieste. The result was, that a very considerable and unlooked for expence had been incurred; and he could here state, that such extra-travelling expences, when incurred by foreign ministers, were invariably defrayed by government.

The expence, indeed, which he had incurred in travelling across the continent, and keeping up his establishment at Constantinople even before he had arrived there, was so great, that he found he had incurred a very large debt with his agent in England, and that it was impossible to subsist upon the salary allowed to him. He therefore drew upon government for 5,732*l.* 4*s.* 2*d.* for his extraordinary expences since his departure from this country. If this sum of 5,732*l.* were divided into three parts, it would add 1,910*l.* for each of the three years that he was employed upon his mission, and the net salary which he had thus received would amount in the whole to 8,362*l.* a year.

He could assure the House that he had, during the whole time he was thus employed, lived as economically as he possibly could; yet he was under the necessity of spending every shilling of his private income, besides taking 3,000*l.* from

Digitized by Google

the principal of his private fortune, and he was now actually paying the debts which during his mission he had contracted. He was not making any complaints, or looking for compensation. He could assure the House he felt more pleasure in detailing these losses, than he should have in stating that his private fortune had received any increase from his public missions. (Here there was a general cry of hear, hear! from all sides of the House.)

When he undertook this mission, he had been told that he was going upon a new service—that they did not know what salary to allow him, but that care should be taken that he should not be ruined. He had not only gone beyond his salary on this occasion, but, if he were to go into particulars, he could shew, if necessary, that upon the several missions on which he had been employed, he had spent several thousand pounds more than he had received. He did not say that he had been ruined; but he could say that if he had now all the sums which he had spent upon his missions beyond the salary he received, he should have sufficient to purchase an annuity equal to the pension he should receive from the country if he were not in office.

A noble lord, a friend of his, had most liberally refused to take the pension allowed to foreign ministers; but he would throw himself upon the candour of the House, and ask, whether having thus impoverished his fortune and deprived his children of many thousand pounds, he could be expected to act as liberally as his noble friend to whom he had alluded. He had thought it right to mention this fact respecting his noble friend, because though he knew it, the public might not.

He had omitted in its proper place to state the mode which he had adopted with a view to guard against any overcharge or improper expence in the building of the palace. Not being able to examine the bills of the different workmen in that country, he had directed a dragoman to investigate all their accounts, and to him he had entrusted the care and management of the whole of the building. When these accounts had been thus investigated and examined, they were delivered over to Mr. Morier, his Majesty's counsel, who from his long residence in Turkey was well qualified for the task, and he was directed to make every observation which occurred to him upon them. It was not till this full examination had taken place that the accounts were transmitted to England, and he trusted, that from what he had stated, the vouchers for each separate expence being deposited in the foreign office, it would not appear that he had acted incorrectly in the manner in which he had conducted his pecuniary accounts, or that the government had been over ready in reimbursing the money he had expended, or in sanctioning the expence incurred.

The last head of expenditure to which he wished to call the attention of the House, was the compensation for his losses. The sum was 7,765*l.* 11*s.* and the sum for his secretary and servants 794*l.* 11*s.* 11*d.* making together 8,560*l.* 2*s.* 11*d.* On the subject of compensation for losses, when he stated that the whole value of the effects he had at Constantinople, amounted to 21,000*l.* it might be said, that his establishment was too large; but it appeared from the statement he had read from M. de Italinski, that it was not only not a very expensive one, but that it was less than it ought to have been. He had expected to remain at Constantinople a long time, and therefore had taken the whole of his effects with him; he would if the House chose read the detail. (A cry of No, no.) Mr. Arbuthnot then read a letter which he wrote to Mr. Canning, dated 6th November, 1807, stating, that the amount of the effects which he left at Constantinople amounted to 21,496*l.* It was impossible for him at the time he wrote to Mr. Canning to calculate precisely the amount of his actual loss, but he was then confident that 7,760*l.* was as small a sum as ought to be applied for. He had learnt that the palace had been pillaged and his property plundered after he had left Constantinople, and the nature and extent of his loss had been in part made known to him; but he might in justice to himself, observe, that in laying before government a detailed statement of the value of his effects, he had taken no notice whatever of that part of his property for which he had not the means of producing vouchers. After he had ascertained that all his property had been lost, except his plate, some of his books, and china, he made an application to government to be further reimbursed, but he had previously applied to his honourable friend opposite to him (Mr. Adair), who knew what losses he had sustained, and who had declared to him, both verbally and in writing, that he was fully warranted

Digitized by Google

in making the application. In consequence of this application, he was allowed the additional sum of 3,000*l.*, which further and final compensation had been paid since the making up of the accounts now upon the table. Before he made this application he laid the accounts in all their details before his honourable friend, and it was not till he got his assurance that the property was lost, and that he believed the account a just one, that he made his application for reimbursement. Having gone through the whole of his explanations, it might not be improper to recapitulate what he had stated,

	£.	s.	d.
Palace	17,965	2	7¼
Miscellaneous, connected with the palace	6,827	17	4
EXTRAORDINARIES.			
Messengers	3,173	9	8½
Presents and Janissaries	1,899	10	5½
Dragomans	1,863	12	9
Extra expences	9,752	4	2
Compensation for losses	7,765	11	0
For secretary and servants	798	0	0
Total received	45,281	19	11¼
Add exchequer fees	2,615	5	9½
	47,897	5	8

He was not aware how far the House might think that a foreign minister should be compensated for his losses, whether occasioned by his own act or by the acts of others. It would be painful to him if he thought he had been compensated for any losses which might have been avoided (hear, hear!). When the circumstances of his departure from Constantinople were mentioned in that House, he had not the honour of a seat in it, and if he troubled the House with any observations not immediately connected with the subject before them, he hoped he should be pardoned for so doing. It was not his wish to re-agitate that question, or to introduce any party feelings into the discussion. His object was to do justice to others where he felt that justice was due; to take responsibility upon himself, when he was aware that he alone ought to be responsible; and to justify himself when he was confident that full and entire justification could be offered. (Hear, hear!) With respect to his own justification, it would depend entirely upon the circumstances which he should state to the House. Upon the review of the whole of his conduct, he believed that he could not do otherwise than he had done, and if it were to be done again, he should pursue the same conduct. When he spoke of doing justice to others, he alluded particularly to lord Grey, from whom he had received the instructions upon which he had acted. Many persons had said to him, that having received instructions and obeyed them, he was no longer responsible, but these were grounds upon which he would not rest his defence. Lord Grey was certainly not bound to have given him such instructions, but he never wrote a dispatch from Constantinople, without calling upon his lordship to give him the instructions which he had afterwards received. He had suggested the necessity of pursuing those measures which were pursued; and he had stated, that unless a British squadron were sent to act with efficacy at Constantinople, the court of Russia would think we were not sincere in the common cause. He therefore should ever feel that the instructions had proceeded from the opinions given by him, and upon him ought in justice to fall, whatever responsibility had been incurred by such instructions. He should now state shortly the causes which led to the termination of his mission. As soon as general Sebastiani arrived at Constantinople (not to go farther back) it was perceived that the Porte, which until then had been willing to act up to its engagements, was disposed to break the alliance with Russia. A Russian frigate having appeared in the Bosphorus, general Sebastiani declared, that he could not permit such a circumstance, and if the Porte wished to preserve friendship with France, Russian ships must not be allowed to enter the Bosphorus. At that time the Hospodars of Moldavia and Wallachia were displaced in violation of the treaty with Russia, and this was done at the instigation of Sebastiani: the Court of Russia ordered the Russian minister to complain of this circumstance and to threaten to leave Constantinople if they were not restored; his application had not the desired effect; he then applied to him (Mr. Arbuthnot) to support his representation, which he did, and after a negociation of 14 days, the Hospodars were reinstated. Nothing could be greater than the influence of the British Court at the Porte at that time, as was proved by the restoration of the Hospodars. But about six weeks afterwards, it was rumoured that a Rus-

Digitized by Google

sian army had crossed into Moldavia. He was immediately applied to by the Ministers of the Porte upon the subject, but he could not give them any satisfactory information, M. de Italinski, the Russian minister, not having received any intimation of the event. As his object was to prevent a war betwen Russia and the Porte, he prevailed upon the Turkish government to wait until dispatches were received from Petersburgh. He obtained a delay of three weeks; at length the janissaries and the uhlema became impatient, and clamoured for a war with Russia. The Russian minister was then ordered to leave Constantinople, and it being supposed that the court of London would adopt the same conduct as that of Petersburgh, the influence of France became predominant. He had before this time requested that an additional squadron should be sent to Constantinople. Lord Grey concurred in that opinion, and he received dispatches from his lordship informing him that orders had been given for a squadron immediately to proceed to that capital. As soon as he received those dispatches, he demanded an audience of the Turkish ministers, and at that audience requested that the treaty with Russia should be observed, and he added, that if his propositions were not complied with, Great Britain would declare war against the Porte. His propositions were refused. He then applied for passports to send messengers to England and the Dardanelles, where he expected the English admiral was arrived, but these were also refused. He had been instructed that admiral Duckworth would be ordered to correspond with him before he proceeded to hostilities; but he found that communication with the admiral would not be possible without the passports. It was also recently intimated to him, that there was an intention of preventing the British admiral from acting, by keeping the British factory and himself (Mr. A.) as hostages. He therefore thought it necessary to put the British factory in a state of safety. He knew that the admiral would be called upon to act, and that in consequence of a want of communication with him he would not know how to proceed.

As he found that he could not negociate with freedom; as the means of corresponding with his government or with the British admiral were denied; and as secret intimation had been given that he and the other British subjects were to be detained as hostages, it was of the utmost importance that the factory should be removed. He could not think, however, of leaving Constantinople until every British subject had been placed in safety. Secrecy alone could insure the success of his arrangements. He desired, therefore, that the whole of the factory should be invited to dine on board the British frigate, and when he had received information that every individual was on board, then, and not till then, he embarked himself. He afterwards proceeded to the Dardanelles, and there waited till admiral Duckworth had arrived. Contrary winds detained the squadron for a considerable time below the Dardanelles, and in the meanwhile the Turks were actively at work in fortifying that passage. While he and the admiral were waiting for a fair wind, an opportunity offered for renewing the negociation with the captain Pacha who was stationed at the Dardanelles. He went on shore to confer with that officer, and as in so doing he had placed himself in the hands of the Turks, he had given a proof, he trusted, that in retiring from his post, personal safety had not been his object, but that all which he had had in view was to secure the safety of the British subjects, and to obtain the means of negociating with freedom. (A general cry of hear, hear!)

So great had been his desire to preserve peace, that he had offered, if the works at the Dardanelles were discontinued, to accompany the captain Pacha in a Turkish row boat to Constantinople, and from thence to proceed to the Russian general in Moldavia with a view to negociate for the renewal of the amicable relations which had so unfortunately been interrupted. The captain Pacha declared that he did not venture to suspend the fortification of the Dardanelles. Admiral Duckworth and himself felt therefore that the passage must be forced. The history of that passage was already known to the House. When they reached the sea of Marmora, his responsibility, as it must be evident, had then ceased; for he could not pretend to direct the operations of a fleet, and he was then suddenly attacked by so severe an indisposition that for weeks his life was despaired of. It was right however to inform the House, that the wind which had carried them through the Dardanelles failed them on their entrance into the sea of Marmora, and all that could be done was to drift to the Princes islands,

Digitized by Google

where they were obliged to cast anchor, and it never afterwards was in the power of the squadron to act against Constantinople. From what the admiral and his fleet had effected, the House and the public might infer what would have been performed if the opportunity had ever offered.

He would now if the House thought it necessary, read some letters from lord Howick, and from Mr. Canning, expressive of their approbation of every part of his conduct, (a cry of No, no!) Since it was not the pleasure of the House to hear those letters, he could only express a hope that the House would take it for granted, that the political part of his conduct had been approved by government. With regard to his pecuniary disbursements, he should also hope that his explanations had been of a nature to satisfy the House that he had done all which could have been required of him. He should only say that he had not made one single assertion which was not borne out by vouchers. If any gentleman thought that any further explanation was necessary, he would most willingly give it, and he assured the House, that there was no degree of publicity respecting his conduct, which he would not anxiously court. [Hear, hear! from both sides of the House.]

Mr. *Adair* was happy to have it in his power to confirm the statement just made to the House by his right hon. friend, in every part where he had been appealed to. As to the building of the palace, he thought it was necessary; and that the expences attending it ought very fairly to be defrayed by the government. Though no person was less inclined than himself to revive the mention of a forgotten controversy, yet he begged to trouble the House with a few circumstances connected with the departure of his right hon. friend from Constantinople. He certainly confessed, that if he had been in Constantinople under the circumstances in which his right hon. friend was, he could not have acted otherwise than his right hon. friend did; but, at the same time, in justice to the government which placed the squadron at the disposal of the British ambassador, he must say that that squadron was fully adequate to the objects which it was intended to accomplish. No blame, however, attached to the gallant admiral (sir J. Duckworth) nor, as he knew, to any other person, although it must be always regretted that the British fleet did not sail up to the walls of Constantinople. As soon as the fleet had effected the passage of the Dardanelles, so great was the consternation of the Turks, who thought the forts impregnable against any human effort, that the Sultan declared to Sebastiani his determination not to have his capital insulted: and ordered him to quit Constantinople. Sebastiani burnt his papers; but the Sultan being somewhat re-assured by the Spanish ambassador, a negociation was artfully set on foot, which unfortunately succeeded, and to the success of which the circumstances which afterwards occurred ought, in some measure, to be attributed.

Mr. *Arbuthnot*, in explanation, admitted the adequacy of the naval force sent out at that time under the command of *sir* John Duckworth.

Colonel *Bagwell* bore testimony to the liberal and hospitable manner in which the right hon. gentleman, who spoke last, had supported the honour of his official station when on a mission from this country at the court of Sweden.

Lord *Granville Leveson Gower*, in complimenting the right hon. gentleman (Mr. Arbuthnot) on his general conduct as an ambassador, and the credit with which he had acquitted himself in different missions to Sweden, Portugal and Turkey, could not help saying that his right hon. friend had given him credit for a forbearance and liberality which he did not merit. He was not so circumstanced as his right hon. friend, who had gone through the different gradations of the foreign line, and had made it his profession, and was therefore fully entitled to the remuneration for his services which a pension offered.—The noble lord then explained the items charged to his mission at St. Peterburgh. The first was 5,000*l.* in 1806, incurred, while following the Emperor of Russia through Germany; and the second in 1808, when he was suddenly recalled, an insurance of 25 per cent. had been imprudently effected by his banker, on the effects belonging to the embassy, which it would be hard that he should pay. On the whole he could assure the House, that he was very far from being a gainer by those missions.

Mr. *Richard Wellesley* said, that of all the persons who ever undertook a foreign embassy, no one was less likely or less inclined to shelter himself behind the secrecy connected with that station than the marquis Wellesley. That noble lord

Digitized by Google

went out on a special mission; the amount of the charge against his name was 16,903*l.*; but when deductions were made from that sum, which arose from the loss of several effects, and from other causes, his expences would be found reduced to 12,900*l.*: and when it was considered that the marquis had to keep a table for all the officers who resorted to him, in a country where the necessaries of life were then extremely dear, the House would judge whether that sum was more exorbitant than his station and situation required.*

The *Chancellor of the Exchequer* could not held remarking how reasonable all the expences connected with the foreign missions had been found, when they had thus been subjected to minute examination. There were, however, many secret sources of expenditure, which it would be inconvenient to the public service, and ruinous to individuals, to explain. As the object of the proposed committee was to compare the expenditure with the estimate of the civil list, he had generally no objection to such an inquiry; but the Treasury accounts, he conceived, would be quite sufficient for the satisfaction of the House, without calling for the books of the King's kitchen. If, in the course of the enquiry, any thing more particular than the Treasury accounts should be found necessary, then such farther particulars could be moved for. The right hon. gentleman then said a few words concerning the expediency of fitting up Windsor and the other palaces; the expences attendant on which, he contended, were not unreasonable.

Mr. *Tierney* said, he would not be bound in the committee by what the right hon. gentleman had stated. He did not wish to push the examination of the civil list expenditure to an unnecessary extreme; but if it should be found that a veil of secrecy had been thrown over certain items, he should like to know whether those

---

* The following is a correct Statement of the Accounts which Mr. Wellesley explained, relative to the noble marquis's Expences during his embassy to Spain in 1809:

The total amount of expenditure was	£. 16,903	17	10
Of this sum there was paid, being the value of various articles purchased for the embassy, and afterwards sold by the marquis on the public account.....	3,003	17	8
Net expenditure chargeable on the public.....	13,900	0	2
To provide for this expenditure there was received from the Treasury at different periods by bills, &c. &c.	14,113	2	8
Deduct Treasury fees.....	652	15	0
Actual money received by the marquis	13,460	7	8
Compare this with the expenditure after the sale of effects	13,900	0	2
Deficiency of receipt from the Treasury, to meet the expenditure.....	439	12	6

This is the account between the public and the marquis Wellesley. In addition, it is a positive fact, that the embassy cost marquis Wellesley between 4 and 5,000*l.* from his private fortune. It is also to be recollected, that lord Wellesley received neither remuneration for his services, nor plate, nor equipage money, nor salary. It has been already stated that the sum actually received by the marquis was 13,460*l.* 7*s.* 8*d.* This comprised the expences of the whole mission, including Secretaries, and every person attached to the embassy. In this sum of 13,460*l.* 7*s.* 8*d.* are also included many charges which have no relation to the marquis Wellesley personally, which would have been incurred by any other person, and which are as follows:

1st, Bankers' commission at Seville	£. 68	17	0
2d, Ditto Agency in England	105	0	0
3d, Effects left at Seville for sale, but seized by the French, estimated value	500	0	0
4th, Couriers usually defrayed from the Messengers' fund at the Foreign office.....	421	0	5
5th, Loss by exchange.....	834	0	0
	1928	17	5

If this sum be deducted from the sum of 13,460*l.* 7*s.* 8*d.* received by the marquis, it will appear that the actual expence for which alone he can be deemed responsible, was 11,531*l.* 10*s.* 3*d.* Mr. Wellesley stated the expence in round numbers to be 12,000*l.*

Digitized by Google

items were not included under the head of Secret Service money. The right hon. gentleman had asked whether the House wished to poke into the King's kitchen, or whether they would not be satisfied with the accounts from the Treasury. The very reason that he wished for a particular examination was, that these Treasury accounts were unsatisfactory. The Treasury accounts, therefore, he would not take. As to what was said about the royal palaces, he was not inclined to cramp the sovereign in this respect, but some bounds ought to be established somewhere; for it might happen, that some artful builder might get a hold of the royal ear, and by undue means cause an expence in this respect quite unreasonable and unnecessary. He should be the last man to deny every branch of the royal family every convenience befitting their rank; but he thought, that there had been too great an unwillingness to cavil with royal wishes; and he wished that such an unwillingness had not existed.

Mr. *Bankes* said, that the honour of any of the gentlemen who had been employed on missions to foreign courts, was a sufficient pledge for the accuracy of their statements, and he was sensible of the inconvenience and difficulty attached to the transactions with foreign courts, under the circumstances of publicity which all proceedings were subjected to here. But the great view of the question was, what practical examination those accounts should be submitted to—what was the manner in which they should be audited? It was necessary to have some rule by which they should be guided. He concluded by moving, as an amendment, that there be added to the original motion, "And that the said committee do further inquire into all the casual and hereditary sources of revenue which have accrued to his Majesty, and report their opinion thereupon to the House."

Mr. *Long* said, that, as he was proposed to be one of the committee, he should be glad to know explicitly the line of examination which it was intended to pursue. Committees had been appointed in the years 1802, 3, and 4, to inquire into the state of the Civil List, which were of extreme importance, as the subject matter of examination was a debt of no less than 900,000*l.*, that had accrued on it. In consequence of the investigations, 60,000*l.* per annum was added to the civil list; and part of the debt, to the amount of 100,000*l.* was subtracted. Those inquiries went only to the general charge on the civil list, and the committees had not the power of sending for persons and documents to assist their examination. If they adopted that principle now, they would be going far beyond what they had ever done before. The power and scope of the committee should be strictly defined, and on that point he desired information. He thought, as far as the provisions of Mr. Burke's act went, they had a right to enter into the state of the civil establishment; to examine any checks which existed under that Bill; and to see whether those checks were sufficient, or any others were necessary. In his opinion, it would be found that the present checks were not effectual for the purpose to which they were originally directed, and probably some alteration of the provisions contained in that Bill would be considered proper.

Mr. *Tierney* said, if the House determined that the committee should not have the power of sending for papers and examining persons, they were only losing their time in appointing it at all. If they were to be allowed no other information than that which the accounts already made up could furnish, they had better move to have them laid before the House at once, and thus save trouble. What he wanted was, to see whether exceedings had not taken place in particular classes, and to trace those exceedings to their origin. By looking at the papers he could perceive the excess, but, to account for it, *viva voce* evidence was necessary. The committees appointed in 1802, 3, and 4, examined minutely into each separate class, and possessed a much more extensive power than the right hon. gentleman had allowed.

Mr. *Bathurst* having laid the report of a former committee on the table, thought himself called on to say a few words. When the application was formerly made to regulate the civil list, in reference to the debt which had accrued on it, a noble friend of his (lord Sidmouth) had thought it was due to parliament to investigate the manner in which that debt had been incurred. But it was not thought right to invest the committee with powers to examine the private concerns of the sovereign. It was never in contemplation to permit them to send for persons, documents, and records, with a view to that investigation. Such a proceeding would

Digitized by Google

not be merely a question of public economy; it would be an inquiry into the economy of the sovereign. And, he would ask, would it be proper to send for and examine even the meanest servant of the crown, and to scrutinize, with a suspicious eye, the characters of all those connected with it? The committees, formerly appointed, had attained every necessary object, without examining witnesses, which must have the effect of giving the matter a greater degree of publicity than was necessary. They were furnished with estimates from the different departments, the Lord Chamberlain's, for instance, which, if demanded for the committee about to be appointed, would, of course, be granted. That degree of delicacy ought to be observed, which was never lost sight of on former occasions. He considered that the committee might execute a very efficient inquiry without having the power of calling for witnesses.

Mr. *Eden* said, that when he made his motion, he had no idea that the committee was to be deprived of its right of inquiry. The object of its appointment would be to examine the expences of the civil list, and having weighed what was proper and what improper, to propose measures to prevent a recurrence of the latter. In the investigation it might be found necessary to examine witnesses; and if that power were not granted to the committee, its appointment would be nugatory. He would move that necessary addition to his motion.

The *Chancellor of the Exchequer* thought it would be better for the committee, in the first place, to endeavour, from the accounts, checks, &c. which should be laid before them, to supply themselves with the requisite information; and if they found it necessary, on any particular subject, to send for persons, papers, and records, they could come to the House for liberty so to do. The practice of the House was uniformly to restrict committees in the first instance, and he presumed they would not be disposed to depart from this usage on the present occasion. As to the amendment proposed by his hon. friend (Mr. Bankes,) he should prefer a motion for an Address to the crown for the accounts alluded to, and when granted, it would be in the power of the House to refer them to the committee, or not, as they might think proper.

Mr. *C. W. Wynn* said, he was at a loss to conceive how the committee were to proceed without a power to send for persons, papers, and records. It might be necessary to call on the Lord Chamberlain and Lord Steward personally to appear before the committee; and if it was to be thus confined, it would be useless.

Mr. *Bankes* agreed to withdraw his motion; which was, with leave of the House, withdrawn accordingly.

Mr. *Courtenay* said, that if the House delegated to this committee a power to send for persons, papers, and records, they would give a power they had never exercised themselves. He should, therefore, oppose such a proposition. That power had not been granted to the former committees; and the House itself had never called for the details of the civil list, except by address, a mode which left to the advisers of the crown the option of withholding or granting the papers. There was but one instance to the contrary, and that a fortnight old.—In the year 1780, when the question of Economical Reform was before the House, it was a disputed point whether they had a right to examine the civil list at all. An appeal being made to the then Speaker (sir Fletcher Norton), he gave it as his opinion, that they had a right to inquire into it; but he made a distinction as to that part which related to the Royal Household: and the hon. member who then represented the borough of Woodstock, in supporting sir Fletcher's opinion, ridiculed the idea of "serving the Royal Household by contract."—Much stress had been laid on the annual exceeding of the civil list over the estimate of 1804, which was stated at 124,000*l.* per annum. If that estimate had been made on the average of three years preceding 1804, it would be found that the exceeding was only 28,000*l.* per annum, and only 18,000*l.* in the last year.—The classes not relating to the Household, were already the subject of detailed accounts before the House, and came with the reference to the Committee on Public Expenditure. He thought that at this particular period, of the dormancy of the powers of a King who had had for fifty years the good opinion of his people, it would be indecent to commence the proposed enquiries. "Is it now" (said Mr. C.) "that we will begin to make comparisons between the late and present King, to the disadvantage of the latter, and for that purpose to make erroneous statements of fact? For that has been done by an

Digitized by Google

hon. and learned gentleman (Mr. Brougham). Is it now, that we will apply the contemptuous epithet of *nonsense* to the religious scruples of the royal breast? Is it now that we will, for the first time, commence enquiries into the detail of the King's Household, from which we have hitherto abstained?

Mr. *Giles* thought, that without the power to send for persons, papers, and records, the committee would be of no avail; and that if the right hon. the Chancellor of the Exchequer meant to refuse that power, he had much better act with sincerity at once, and refuse the committee altogether.

Mr. *Brougham* hoped that the House would not now do any thing which might seem to exhaust the motion of which an hon. friend of his had given notice for to-morrow, and also another motion of which he himself had given notice for Friday. He alluded to the name of Mr. Stratton, and expressed his surprise that the right hon. gentleman (Mr. Arbuthnot) had not done justice to him in his statement.

Mr. *Arbuthnot* said, that not a more honourable man than Mr. Stratton existed, and he might even add, that he had perhaps more merit in the principles he had laid down than sir W. Drummond himself.

Mr. *W. Smith* contended, that if the committee were not to have proper powers, it would be better that the matter should not go to a committee at all. He thought a committee of that House might be so far trusted as that it might be believed they would not unnecessarily inquire into any thing which delicacy forbad them making public.

Mr. *Bastard* was against the appointment of a committee, unless it was to be an effectual one. The country was wearied out, and must naturally now begin to think that all committees were appointed for the purposes of deception and of delay.

The question for the appointment of a Committee was then put and carried, and the following gentlemen were named as the committee; viz. Mr. Eden, Mr. R. Wellesley, Mr. Giles, lord Desart, Mr. M'Donald, Mr. C. Long, Mr. Fremantle, Mr. Dundas, Mr. R. Wharton, Mr. Courtenay, Mr. Tierney, Mr. Vernon, Mr. Manners Sutton, lord Morpeth, Mr. Bathurst, Sir J. Sebright, lord Binning, Mr. Huskisson, Mr. D. Giddy, Sir C. Burrell, lord A. Hamilton. When the names were all read from the Chair,

The *Chancellor of the Exchequer* proposed, that the name of Mr. N. Vansittart should be substituted for that of lord A. Hamilton.

Mr. *Horner* said, he would rather have Mr. Vansittart's name added to the committee.

The *Chancellor of the Exchequer* objected, because the committee was to consist only of 21 members, and the addition would make it 22.

Mr. *Horner* said, he had frequently been on committees originally consisting only of 21, to which members had been added, making them 22 and 23.

Mr. *Whitbread* said the same; and that if the right hon. gentleman did not consent to have the name added, he should take the sense of the House on the proposed substitution.

A division accordingly took place on the Chancellor of the Exchequer's motion.—Ayes 84; Noes 26.

Mr. *Eden* then moved, "That the Committee have power to send for persons, papers, and records;" upon which a second division took place,—Ayes 27; Noes 80. Majority against Mr. Eden's motion 53. After the divisions, Mr. Eden and Mr. Tierney declared their determination not to attend the Committee; seeing that it was destitute of the necessary powers.

List of the Minority.

Babington, T.	Lefevre, C. S.
Bastard, E.	Lamb, Hon. W.
Bankes, H.	Martin, H.
Bernard, M. J.	Moore, P.
Bennet, H.	Morpeth, Lord.
Brougham, H.	Pochin, C.
Burrell, Sir C,	Porcher, J. D.
Busk, W.	Sharp, R.
Eden, Hon. G.	Thornton, H.
Giles, D.	Tierney, Rt. Hon. G.
Herbert, W.	Keck, G. A. L.
Horner, F.	Vernon, G. G.
Ingleby, Sir W.	Whitbread, S.
Jackson, J.	

HOUSE OF COMMONS.

Tuesday, February 11.

MOTION RESPECTING THE FOUR AND A HALF PER CENT. LEEWARD ISLAND DUTIES.] Mr. *Creevey* rose, pursuant to notice, to make a motion upon this subject, and he thought the present moment a peculiarly fit one, when a new agreement was to be made with the executive government, and when, therefore, we ought

Digitized by Google

precisely to know what was to be granted. With regard to these duties, it was his opinion they were the property of the inhabitants of Barbadoes, and ought to be applied to colonial purposes. This was his first opinion; but if that should be negatived, and if it should be thought that these duties ought to find their way into the Exchequer, then he would submit whether they ought not to be applied in aid of the public expenditure. But, if neither of these opinions should be held valid, he hoped that the abuses in the application of this revenue, which he had the power of proving, would be thought sufficiently important to deserve the attention of the House.

To prove that these duties were the property of the inhabitants of Barbadoes, he would mention a few historical facts. In the beginning of the reign of Charles 1, a grant of the whole island of Barbadoes, which was then worth nothing, was made to the earl of Carlisle; during the troubles of the civil war and the Protectorate, however, many persons went over there as settlers, and it became, from a desert island, a very prosperous place. The earl of Carlisle died very much in debt, and his son transferred the grant of the island of Barbadoes to the earl of Kinnoul. The creditors of the first earl of Carlisle, hearing that the island had become a valuable possession, made some applications to the privy council, soon after the restoration of Charles the 2d, enforcing their claims upon the island of Barbadoes, under the grant of that island by patent to the earl of Carlisle by Charles the 1st, and as those claims most materially affected the rights and interests of the land-holders in Barbadoes, some of the planters came over to England, and to the same privy council made an offer of something like a royal revenue, if they were continued and secured in their rights and possessions. What was really conceded by the delegates of Barbadoes to the crown on this occasion is difficult to find out; we have however the authority of lord Clarendon, who assisted at their privy council, for the facts, viz. that the patent to the first earl of Carlisle was surrendered, and lord Kinnoul was to have an annuity of 1,000*l.* per annum in perpetuity, and which he has to this day in satisfaction of his claims under lord Carlisle. We know, too, that a colonial act of the island of Barbadoes passed in 1665, immediately after the return of the delegates from England, in which it was declared, that in consideration of the charges incurred in maintaining his majesty's authority there, they gave and granted to his majesty, and his successors, for ever, an impost, or custom upon the dead commodities of that island, at the rate of 4½ in specie, for every five score. But this money was raised for public service in that island for the raising and repairing of fortifications, &c.—none of it was intended to come to this country. (Then the hon. member read the act of the island, with all the specific appropriations of this impost to colonial purposes.) In the reign of Charles 2, when the regulations for his revenue were adopted, no mention was made of this fund as a royal hereditary revenue; nor was there any in that of James 2, to whom the whole royal establishment was transferred, as held by his predecessor. In William 3, indeed, this fund was recognized in two acts as among the small hereditary revenues of the crown: but when the civil list of queen Anne was arranged, a petition was presented from the planters of Barbadoes, stating, that the funds had been perverted from their original purpose, and praying that they might be applied to their legitimate use. In consequence, a committee of the House of Commons examined this petition, and addressed the queen, and requested that these funds might be appropriated, as they were intended, to colonial purposes; and they were so. In George 1, this fund was again specifically exempted when arranging the royal revenue; and the same in George 2. Upon the accession of his present Majesty, however, a new species of arrangement took place. It was agreed, that upon his surrendering certain revenues he should receive a specific sum for his the civil list. It might be said, indeed, (and that was the only thing that could be urged) that in the enumeration of the revenues, which was moved for in consequence of his Majesty's message to parliament, this fund of 4½ per cent. was not surrendered by name. True: and why? Because he could not be said to possess them. Queen Anne never had them: and they were specifically exempted in the regulations for the revenue of George 1 and 2. But admitting that these sums ought to find their way into this country, they should certainly go to the consolidated fund, and not in aid of the civil list.

With regard to the abuses, he would state that this fund had produced 1,600,000*l.* since his Majesty's accession, and out of

Digitized by Google

this, 400,000*l.* had been paid for salaries to governors. If this sum had been paid, however, to the governors of Barbadoes and Leeward islands, there might be no reason to complain; but out of this 400,000*l.* all the governors of islands seemed to be paid, even those of Guernsey and Jersey. Why this unfortunate island of Barbadoes should be saddled with payment of governors of all our other islands in every part of the world no man could devise.

For special or secret service, a sum of 326,000*l.* had been taken from this fund, altogether without the knowledge of parliament, a proceeding as injurious to the constitution as it was unjust to this island. In the same way, it appeared, 48,000*l.* had been apportioned amongst different secretaries of the Treasury, probably for parliamentary electioneering purposes; 170,000*l.* had been given at different times from this resource to the civil list without the knowledge of parliament, though the civil list was a fixed and settled sum, and though the crown came to parliament asking for payment of its debts, and concealing this contribution it raised from this devoted island of Barbadoes. But of this fund too, 740,000*l.* had in the course of the present reign been paid in pensions to different persons in this country. This fund had the double advantage of being out of sight, and that pensions to a greater amount might be granted out of it than out of the civil list, where by Mr. Burke's act they could not exceed 1,200*l.* per annum. These united circumstances had made the 4½ per cent. duties the general resort for all the fashionable world who were in pursuit of pensions. It was really too much that all those lords and ladies, and members of parliament, with their wives, and brothers, and sisters, who were to be seen in such numbers in this list of Barbadoes pensioners, should be permitted any longer to plunder this proscribed portion of the empire. The only remedy for this crying grievance to these islands, and this source of corruption to this country, was to do what was done in queen Anne's time, to restore for a second time these duties to the local and colonial purposes for which they were originally intended. He should however, in the first instance, content himself with moving, "That a Select Committee be appointed, to examine into the nature of the duties arising in the island of Barbadoes, and the other Leeward islands, commonly called the 4½ per cent. Leeward island duties, and into the amount and application of the same; distinguishing each year, from the period of his Majesty's accession to the throne to the present time; and to report the same to the House, with their observations thereupon."

Mr. *Long* wished that the hon. gentleman had studied the history of the period he had alluded to with a little more attention, and he would then have found that the grant to the king by the act of the colony 1663, was in consideration of the planters being allowed to keep possession of their lands; and though he readily admitted, that in the island of Barbadoes (and there alone) a part of this revenue was to be applied to local purposes, yet the remainder was intended to be reserved to the king. When the hon. gentleman referred to what had been done by queen Anne, he should have taken into his observation all the collateral circumstances. The fact was this: a commission was sent out to Barbadoes to look into the state of the fortifications, which they had reported to be in complete ruin, and an Address was consequently presented to the queen, that she would be pleased to apply these duties to the purpose of repairing those fortifications, which she accordingly did, and therefore they were excepted in the arrangement of her majesty's revenues. It was his decided opinion that these funds were a part of the hereditary revenue of the crown, and of which it could not be divested but by an express act of parliament; and this opinion had been held by a recent committee of that House, which had declared that the 4½ per cent. duties had been considered as continuing at the disposal of the crown as its hereditary revenue. When he considered these circumstances, he could not but express his dissent at going into a committee to inquire into the application of this inferior branch of his majesty's revenue.

Mr. *Peter Moore* said, that the simple question was, did those funds belong to the crown, or did they not? He contended that they did not, that they were on the same footing as the revenues of the duchy of Cornwall, and no one would contend that the crown could grant pensions on the revenues of that duchy.

Lord *Folkestone* said, that the only person found on either side of the House to oppose the motion for a committee, was a right hon. gentleman who was a pensioner to the amount of 1,500*l.* a year upon these 4½ per cent. duties which it was the pur-

Digitized by Google

pose of the motion to inquire into, and that right hon. gentleman had defended this disposition of them upon the sole ground of usage, as if because an abuse was an old one, it ought, therefore, to be continued. He then proceeded to shew that these duties were excepted out of the civil list of queen Anne, and also out of those of George the first and second, and could not consequently have vested in his present Majesty. The list given in to parliament at the commencement, did not contain any specification of these duties, because that list was not, as it had been alleged to be, a list of what his Majesty had given up in lieu of the civil list establishment, but a list of what then vested in him, so that, according to his Majesty's own list, they had then the strongest negative testimony that the 4½ per cents. were not then in possession of the crown.

Mr. *Long* explained. He did not say that any length of time was a justifiable reason for the continuance of an abuse; but he stated the continuance of the practice in the crown of granting pensions out of this fund as a proof of its not being an abuse.

Lord *Folkestone* replied, that the only difference between him and the right hon. gentleman was, that what the right hon. gentleman called an old practice he called an old abuse.

Mr. *Rose* argued, that the excepting of this fund out of the civil lists of the sovereigns of this country from the time of king William, was not a proof of the fund not being an hereditary revenue of the crown, but rather the contrary. The fact was, then, when such exception took place, the crown took the disposal of the revenue into its own hands, and regular accounts of its application were constantly laid before parliament. It was not therefore, as the hon. gentleman had said, a fund out of sight. If this fund was to be appropriated particularly for local purposes, as it was contended, how came it that the Board of Trade, when recommending the repairing of the forts of Barbadoes, did not direct the expences attendant on such repairs to be defrayed out of these 4½ per cents? Lord Thurlow, too, as lord chancellor of England, had recognised the right of the crown to grant pensions out of this fund. The right hon. gentleman then defended the pension held by his right hon. friend. Considering his labour for ten years, and the arduous situation which he filled with an inadequate salary, it was hard to say that a pension of 1,500*l.* was too great a recompense for him.

Mr. *Marryat* contrasted the situation of the inhabitants of Barbadoes now and at the time when, in the exuberance of their loyalty, they voluntarily made a grant of this revenue to the crown. Then they were a flourishing colony: now, they were reduced to a state calamitous in the extreme, by duties which we had imposed on them without their consent. They were now an oppressed, a tax-burthened, as well as a calumniated people.

Mr. *Creevey* replied, and said, that whatever might be the fate of his motion, he was determined not to let the subject sleep. He pledged himself to take every opportunity of bringing it forward in every shape he could before the House.

The *Chancellor of the Exchequer* said, that he should not have risen, but for what had fallen from the hon. gentleman; and he certainly was astonished in no little degree, to hear the hon. gentleman's threat of renewing this question, after the plain and satisfactory statement of his right hon. friend. He did not mean to enter into the question; but he could not help alluding to the strange argument of the noble lord, which deduced a non-possession of this revenue in the crown from its being excepted out of the civil list. The simple truth was, that the excepting it out of the civil list was actually leaving it as an hereditary revenue to the crown. Before he sat down, he thought it right also merely to hint at what was said by an hon. gentleman of the distresses of the colonists. It was unfair to impute those distresses to duties levied on their sugars by us, when it was well known that they were to be attributed to the want of their usual great market,—to their being shut out from the continent.

Mr. *Whitbread* observed, that it was very unusual for any member to take up a debate in the way that the right hon. gentleman had done. Without meaning any personal disrespect to the late Secretary of the Treasury, he had no hesitation to say, that on this subject he was a most questionable advocate: and however pleased the Chancellor of the Exchequer might have been with the speech of the right hon. gentleman, he must confess that what blunted the right hon. gentleman's appetite, only whetted his. He thought with his hon. friend behind him, that it was highly improper that the business of these 4½ per cent. duties should

Digitized by Google

rest where it now did. As to what the right hon. gentleman had said in relation to the distresses of the colonies, when the acquaintance with the state of the colonies of the hon. gentleman who called those colonists a devoted people was considered, he believed that the House would think with him, that what the right hon. gentleman had said was a little too much, —a little too presumptuous. Besides, the reply that those distresses proceeded from the difficulty of access to the continent, came with a very bad grace from the right hon. gentleman, whose measures were the chief cause of that difficulty. The hon. gentleman then remarked on the propriety of the pension settled on the Secretary of the Treasury. He asked, would parliament have addressed the King to grant him 1,500*l.* a year for his services, in case the 4½ per cents had not existed? Certainly not: and did not this fund, therefore, defeat the object of Mr. Burke's bill? He then alluded to other heads mentioned in the accounts of the expenditure of this fund, particularly that of Special Service. He did not know what this special service meant; but if he could lend an ear to the calumnies that were always going about, he might perhaps be able to understand it. It was to be sure impossible that any such thing as bribery and corruption could exist in that House now: but certainly there was a time when it was notorious that rank and gross bribery did exist there: and who knew but that the special service of that time was this very rank and gross bribery? To him it appeared, that there were sufficient grounds laid for going into the committee.

The question was then called for, and the House divided—For the Motion 19. Against it 50.

COMMITTEE ON CIVIL LIST REVENUE—MOTION RESPECTING MR. EDEN.] Mr. *Eden* rose, for the purpose of moving the House that he might be discharged from attending the committee for which he had moved yesterday, on the subject of the expences of the Civil List. Mutilated as the committee was by the way in which it was appointed; deprived of the power of sending for persons, papers, and records; crippled as it was, in every respect, by the limited powers with which it was invested, or rather by the total want of all powers—he could not but conceive it perfectly inadequate to the accomplishment of the object he had in view, or, indeed, to the accomplishment of any good or legitimate object whatever. He must, therefore, beg that his attendance on such a committee be dispensed with. The committee might conjecture, but it could not come to any well-founded conclusion on any one topic which might come before them. They might express regret at any expence which might seem too great, but they could neither come to any sound judgment as to the amount of the unnecessary and improper expenditure, nor adopt means for preventing it in future. He was thoroughly persuaded that it would be a waste of his own time in him to attend such a committee; nor did he feel that he could be an efficient member of it. —The question being put and seconded,

Mr. *Yorke* was of opinion that after the hon. member had, no further off than yesterday, moved for the appointment of this very committee, and after the House had, on his own suggestion, reposed in him the duty of being a member of that committee, it was rather inconsistent in him now to come to the House, and desire to be discharged from attendance on the committee, merely because the House had not thought proper to grant to the hon. member all that he asked. The House had refused, and he thought properly so, to grant to this committee greater powers than they had given to a committee on the same subject in 1804. But still when the committee met, if they should be of opinion that they had not due means of information on any particular subject, or even if any individual member of the committee was of that opinion, might not the committee, through their chairman, or any individual member, come to the House and move for such information as they might think wanting, on any branch of the subject referred to them? He did not see why the House ought to distrust the committee they had appointed; nor could he consent that the hon. member who had had a duty devolved on him by the House, at his own desire, should be discharged from that duty because he had not got all he wanted.

Mr. *Horner* contended that the charge of inconsistency attempted to be made against his hon. friend was utterly unfounded. The right hon. gentleman said, it was inconsistent in his hon. friend to ask to be discharged of a duty which he had asked to be allowed to perform. Nothing, however, could be so unfounded. His hon.

Digitized by Google

friend had asked for a committee to inquire; the House had appointed a committee to consider, but had denied him a committee to enquire. They had given him a committee utterly unfit for any good purpose. But, whether they were fit for any good purpose or not, it was enough for his hon. friend to say, that this was not the committee he asked. The committee appointed was a committee on nothing but accounts, and yet they were denied the power of sending for a single explanatory paper. If this was so, what inconsistency could be attributed to his hon. friend in requesting that he might be discharged from attending such a committee, after the House had denied them those powers, which could alone render their appointment available? He thought his hon. friend had acted a manly and becoming part in asking to be discharged from attending a committee whose labours must be completely inefficacious.

Mr. *Bathurst* was of opinion, that any information which might be wanted by the committee might still be obtained by coming to the House, after they were aware of the particular head on which the papers, or other information, would be required. Then, too, it would be in the power of the House to consider, whether the information ought to be asked by vote or by address. The limited powers of the committee at present, did not go to infer a permanent exclusion of evidence, but only put it on the committee, in the first place, to see what could be done by the information afforded them by the crown.

Mr. *P. Moore* contended, that his hon. friend had been perfectly consistent.

Mr. *Macdonald* asked, would the right hon. the Chancellor of the Exchequer now undertake to consent to address the crown for the papers necessary to enable the committee to come to some judgment on the matter referred to them? At present the committee had nothing to do but to take their chance of any papers falling into their way.

Mr. *M. Montague* was afraid that the present motion might be of dangerous example, and induce the people to believe that that House wished to deny inquiry.

The motion was then put and negatived.

HOUSE OF COMMONS.

Wednesday, February 12.

Corn Intercourse Act.] Sir *J. Newport* said, he did not entertain any doubt that if he had made the complaint which now occasioned him to rise, to his Majesty's government, they would have paid every attention to it. But he considered, when the object was one of great national importance, it was better to state the grievance in the House than out of it; and whenever any attempt was made to place the letter of the Act of Union in competition with its spirit, he would always consider it his duty to notice it. By the Corn Intercourse Act of 1807, which was founded on the Act of Union, all vessels laden with corn from England and Ireland, were permitted to enter the ports of the two countries respectively, as if coasters, without being subjected to the difficulties of a formal entry at the Custom-house. This provision was complied with in all the ports of this country, with the exception of Liverpool and Bristol. Of the conduct pursued at the former port he had some time since complained. His present complaint related only to the latter, and the ground of it was this: every person knew, that when a vessel was laden with corn, it was necessary, for its preservation from the water, which exuded through the side of the ship, that it should be protected by mats; and as it was a cargo more likely than any other to shift, and thus endanger the safety of the crew and vessel, it was necessary that boards should be used to keep it steady. Now, when vessels arrived at the port of Bristol, laden with corn from Ireland, the Custom-house officers there insisted, that those mats and boards should be entered as being the produce of Russia. This was most unjust; for no fraud could possibly be intended. Those mats and boards were much cheaper here than in Ireland; and if any person thought proper to export them from that country, it would be at their own certain loss. He had received a representation from a respectable gentleman on the subject, and trusted that such an infraction of the spirit of the Corn Intercourse Act would no longer be permitted.

Mr. *W. Pole* said, that no application had been made either to the board of Customs or the Treasury, on the subject. If the circumstance had been stated to him, he would have apprised the Treasury of it, where, he was sure, no well-founded complaint ever went unredressed. He would, however, immediately inquire into the circumstances. Certainly, the Custom-house officers at Bristol could have no wilful intention to infringe a law so

Digitized by Google

beneficial to both countries. They might have conceived that some smuggling was intended, and perhaps the act to which the right hon. baronet referred, might stand in need of some amendment.

Sir *J. Newport* again observed, that he preferred mentioning the business publicly, than having recourse to a private communication.

ROYAL MARINE CORPS.] Mr. *Hutchinson* rose, pursuant to notice, to call the attention of the House to the present state and condition of the Royal Marine Corps. He said, he felt so convinced that the claims of this deserving body of men wanted nothing but inquiry to make their justice and validity generally acknowledged, that he was only anxious that the inquiry might be promptly entered upon, and actively followed up, and should be more than satisfied if his motion should have even incidentally so favourable a result. The immediate object of his motion was the production of certain papers, and if he could prevail upon the House to grant those papers, it was his ultimate intention to found upon them a further motion for an Address to the Prince Regent, that he would be graciously pleased to take the present state of the Royal Marine Corps into his consideration. He was at the same time willing to avow, that should he receive from the First Lord of the Admiralty, any satisfactory declaration of his intentions to remedy what appeared to him to be serious grievances, he could have no objection to withdraw his motion. The merits of the Marine Corps were at once so high and so notorious, as to be acknowledged universally, and to be admitted among the first claimants to the gratitude of their country. If such a body complained of any alleged grievance, their complaint had a weighty claim upon the attention of that House; but it was not less the duty of that House to see them done justice to, because their commendable sense of their duty, as a military body, had kept them silent, patient, and forbearing, under the consciousness of existing grievances. He did not stand up there to complain on their behalf, as their commissioned advocate. He merely stood forward as an independent member of parliament, to point out what appeared to him to be grievances, and if the House thought them so, to call upon parliament to redress them. The Marine Corps were not placed upon an equal footing with every other corps in the service, either with respect to rank or emolument. All the superior stations of their corps, as for instance, generals and colonels of marines, were filled by navy officers. Their senior commandants, after 50 or 60 years service, were worse paid than even a colonel of militia: they were never placed on the staff, they never obtained either governments or regiments, while both were given to navy officers, who enjoyed lucrative situations in Greenwich hospital and elsewhere, to which marine officers were never once admitted, though they contributed to the support of those establishments. The general of marines, the lieutenant-general, and the major-general, had been, and always were, admirals in the navy. The first had, as general of marines, 5*l.* a day, the lieutenant-general 4*l.* and the major-general 3*l.* a day, exclusive of their pay and rank as admirals, while the senior commandant, or in other words, the acting general of marines, had but 50*s.* a day, and was allowed but one horse, while the major-general on the staff was allowed, on an average, from ten to fourteen. If marine officers could not be placed upon the staff, there could be no objection to grant them staff allowances proportioned to their rank, at least equal to those enjoyed by the naval generals.—Another hardship peculiar to this service, was the singular slowness by which merit rose to rank. A man with all the zeal of one who loved his country, and with all the ambition of a soldier, might, for 30 or 40 years, be fighting the battles of that country, before he arrived at the rank of a field officer. There was, indeed, a contemptible paucity of field officers. The proportion of these field officers to those of the line, were as one to four, and as one to five, compared with the artillery. The Royal Marine Corps constituted one-fourth of the British navy, and yet among 35,000 men, there were but 45 field officers: while the artillery, not exceeding 17,000 men, had, he believed, eighty field officers. Hence one of the causes of the slow promotion, and hence also the frequent necessity of imposing on captains not field officers, the duty of field officers. So slow had been the promotion, that there were not then in the line 20 captains of the same standing with the senior captains of the marines. Many of those who were now admirals and generals, were not in the service when some of the senior captains of marines had already distinguished themselves. If this

Digitized by Google

system operated so severely on the higher ranks of officers, how must it be felt by the subalterns? But it was not so much the feelings of individual classes, as the well grounded dissatisfaction of a great and meritorious military body, that called for consideration. The marine officers felt themselves, as it were, superseded in their rank. (Hear, hear! from Mr. Yorke.) He should explain to the right hon. gentleman what he meant when he said superseded in their rank. A regulation some years ago had been adopted, excluding the marine corps from any garrison command. The wisdom of this regulation he could not see, but the consequences of it operated rather harshly upon this corps; for land were they might, they always were compelled to give way to the garrison officer, however inferior his rank to that of the commandant of marines; so that this most deserving corps had not only the mortification to see the higher situations of its own establishments filled by officers, not of the corps, but to feel itself in a worse situation in point of staff advantages, than any other description of force in the British empire, and at the same time to see that it was placed in the degraded situation of having neither established rank in the line as a corps, nor efficient individual rank at their respective head quarters.—He had said, that their promotion was tediously disheartening. He would take, for instance, the year of the Jubilee, 1810, the number of naval officers promoted were as follows, 33 admirals, 113 captains, 156 commanders, 437 lieutenants: during the same period there had not been promoted, even to brevet rank in the marines, more than 37 officers; not two steps had taken place in the corps within that period; the expence to the public arising from this naval promotion amounted to 60,000*l.* a year, while that of the marines did not exceed 700*l.* But it might be said, that the marine corps formed part of the navy: if it did so, why should so effective a part of that navy be the only part excluded from the ordinary naval advantages of rank and emolument? Did it deserve to be so disgracefully distinguished from the rest of the navy? And if it did not, where was the equity or policy in making men suffer a degradation which they were conscious of not deserving? The right hon. gentleman had cried "hear!" Was it not degrading a senior marine officer to subject him in all garrisons to the command of any garrison officer, however junior to him, and so to subject him, not in compliance with any general rule, but by making the corps to which he belonged the ground of a solitary exception to a general military regulation? Another hardship was, that the pay captains of grand divisions had no allowance for paying the several companies of which they were in charge, though the saving to the public in consequence of the laborious duties of those officers, was very considerable, though every captain of the line had an allowance for paying his respective company. The serjeants of marines when admitted into Greenwich Hospital, had no better allowance than that possessed by the private of marines, or the common sailor, while the serjeant of the line in Chelsea Hospital received an increase of pension in some instances to the amount of 2*s.* 3*d.* per day, though the marine serjeant had but one shilling. The serjeants and soldiers in the line were allowed to reckon three for every two years of service in the East or West Indies, for the purpose of claiming an increase of pay and pension in case of discharge. That regulation did not extend to the marines; the commissioned officers of marines could hold no situation in the government or management of either Chelsea or Greenwich hospitals, though they contributed annually a day's pay and a certain proportion of their prize-money, to both those great national institutions. It appeared, then, that if the marines were compared with the line or artillery, they were excluded from the staff; they had no adequate proportion of field officers, and that the promotion was most disheartenigly slow. He should propose to remedy these grievances without delay: the corps should be increased, the situation of its commandant improved, promotion accelerated—all of which might be done without any addition to the public burthens. The number of second lieutenants might be curtailed, and the pay and allowances of the drummers now ineffective, might also be applied to that purpose, as completely to cover the expence, which could not exceed 5,000*l.* a year; but it was not for him to do more than invite the attention of the House and the Admiralty to this subject. He said that in the comparison he had made between the marines and the navy, he wished distinctly to be understood as

Digitized by Google

not meaning the slightest insinuation that the rewards or honours of the British navy were at all beyond its merits; far from it; it was barely possible for the gratitude of the country to keep pace with the illustrious claims, the skill and valour of the British navy were making upon it every hour; all he meant was, not that the navy should have less, but that the marines should have more. He then moved, "That there be laid before this House, a Copy of the Memorial of the commandants, field officers, and senior captains of the Royal Marines, to the right honourable the Lords Commissioners of the Admiralty, relative to the situation of that corps in 1810:" If this was agreed to, it was his intention to move for "A copy of the Letters of colonels Desbrowe and Trench, as to the appointments and rank in the said corps, addressed to the Board of Admiralty in the year 1810."

Mr. *Yorke* said, that, as to the latter motion, he was convinced that the House would not require a private letter to be produced. As the object of moving for the other paper was declared to be in order to ground an Address to the Prince Regent upon, he thought it necessary to make a few observations upon the case which the hon. gentleman had submitted to them. He perfectly agreed with every thing that had been said about the merits of the corps, but as they were well known to the House and to the empire at large, he did not think it necessary to say much upon that point. The House were always slow in interfering with matters of pure military regulation and detail; and unless they were convinced that the executive had neglected its duty, they seldom or never interfered in these points. Now, he would ask, what could be a matter of purely military detail, more than the rank which marine officers should have upon garrison duty? It must be recollected by the House, that there was no complaint of any of the old regulations for the marine corps having been departed from, but that it was merely a wish of the hon. gentleman to substitute some others in their place. The reason why they had not the same rank in garrisons, was, that they were seldom or never called upon to do garrison duty. If they were called upon to do garrison duty with other corps, there was no doubt but that their officers would take rank according to the date of their commissions; but the fact was, that while they were on shore, all that was required of them was to remain orderly in their barracks, and therefore no question of rank arose. Out of the whole number of 95,000 marines, 25,000 were generally on board ships, where, from the very nature of the service, they must necessarily be under the command of the captain of the ship. It would be recollected, however, that no officer higher than a captain of marines could be called upon to serve on board a ship; and therefore when they arrived at the rank of field officers, they had little or no duties to do, and they lived in a sort of retirement from the service. From the difference of the services they were called upon to perform, there was little analogy between the situation of officers of marines, and officers either in the line or the artillery. Keeping these general points in view, he would also observe, that the system now acted upon in the marine service, was that which had always subsisted. The active services of the marines as a body, were always performed under the orders and superintendance of the sea captain, or admiral of the fleet. Even when the marines were occasionally landed in boats, for the purpose of attacking any place, they were under the command of an officer of the navy. This, of course, prevented them from having the same number of field officers as were possessed by other corps; but if any occasion occurred when they were landed, and acted in battalion, then they acted under their own field officers. There was at present a battalion of marines in actual service in Portugal, which was commanded by its own officers, and had proved extremely effective and useful. The hon. gentleman had founded his complaint chiefly on the small number of staff officers which belonged to the marine corps, and the inferior amount of their emoluments, when compared with those of other branches of the naval and military service. Now, as to these points, he would beg leave to observe, that the whole subject was taken into the consideration of government only three years ago, and a very material addition was then made to the emoluments enjoyed by the superior officers of the marines. He was quite persuaded that the greater part of these officers were at present extremely satisfied with their situation, as compared with that of other branches of the service; and as this improvement of their general situation and prospects had taken place so lately as 1809, he was convinced that there was no

Digitized by Google

necessity for again recommending that subject to the attention of the Prince Regent, or of the House.—The right hon. gentleman here entered into a comparison between the pay and emolument of the colonels, commandants, and majors of marines, and those of officers of similar rank in the army, from which, upon the whole, he inferred that the inequality of the emoluments was trifling, if any, and not greater than what was occasioned by the diversity of service. The hon. gentleman had complained of the slowness of promotion in the marine service, and that so very few officers reached the rank of commandants. But similar complaints were equally applicable to promotions in the army; for how few colonels in the army were there, comparatively speaking, who could be promoted to the command of regiments? Besides, during war, the proportion of marines on shore was extremely small, when compared with those who were on shipboard, and these entitled to all the advantages which belonged to the naval service, such as the chance of prize money, &c.; advantages which inferior officers in the army did not possess. Were there even, therefore, some inequality in the pay of these respective branches of service, he saw no reason for chaffering as the hon. gentleman had done, about a few shillings or pounds, more or less. But the divisions of marines which were on shore, and which never amounted to more than 10,000 men out of their whole number, were undoubtedly sufficiently supplied with staff officers. Every division consisting of 1,000 men had generally a colonel commandant, and four majors; so that, in this respect, he really never heard a matter of complaint which was less entitled to the consideration of the House. The service of the artillery, with which that of the marines had been compared, without meaning at all to depreciate the latter, was one of more responsibility, and of a more arduous nature, and which necessarily required a greater number of officers of rank; the great body of marines being, as he had often stated, under the orders and directions of naval captains. —As to the slowness of promotion on the part of marine officers, he believed, that if the hon. gentleman compared it with what necessarily took place in the promotion of inferior officers in the army and navy, there would appear little or no ground of complaint.—With regard to Greenwich hospital, the marines contributed the same as the seamen to that establishment, and enjoyed from it the same advantages, with this single exception, that the superior officers of that national establishment were generally chosen from the navy; but this in itself was such a trifle, (there being only four or five situations of the description alluded to,) as hardly to deserve the attention of the House.—The hon. gentleman had also complained that marines, serving in the East and West Indies, were not entitled to the advantage possessed by soldiers serving in those parts, of having every two years counted for three, in the computation of their pensions. But surely the hon. gentleman must be aware, that the marines remaining generally on board their ships, where they were much less exposed to the dangers of the climate, and which was always, in those latitudes, the most healthy situation in which they could be placed. On board ships their officers were besides entitled to the same allowance as naval officers, and came in for their due proportion of prize money. Upon the whole, he believed that the marine service was one of the most eligible of the various branches of our military establishments; and he thought the House would agree with him in thinking, that no sufficient ground had been laid for the Address which was now proposed.

Sir *Edward Buller* declared, that he never heard it insinuated that the Marine Corps had any peculiar ground of complaint.

Mr. *Grenfell* said, that might be so; but still his hon. friend, as an individual, might be convinced they had ground of complaint. If that were so, he hoped he would persevere in his motion, and would not suffer the door to be shut on the present discussion.

Mr. *Robinson* declared that to any idea which the hon. member might entertain as to prejudices existing in the Admiralty Board, either against the hon. gentleman, or any measure recommended by him, such an idea was wholly unfounded.

Mr. *Hutchinson* replied, declaring that he had felt himself impelled by an imperious duty to call the attention of the Admiralty to the degraded military state of the Marine Corps, and to the supercession in rank of the officers of that corps, by which they were not allowed to share in the garrison duty, which, he conceived, was a great slur on the corps. It was no answer to tell him that the officers in this corps did not purchase their commissions.

Digitized by Google

The artillery officers did not purchase their commissions; and in the army many of the officers did not purchase their commissions. The Artillery service was as 17 to 31, in comparison with that of the corps of Marines; and there were not twenty captains in the whole army with nearly the same length of service, as the marine captains. The statement of the first lord of the Admiralty, which the House had just heard, would be received with surprise, not to say with indignation; and the right hon. gentleman would shortly find that there were things connected with the corps of Royal Marines which were at this moment well worthy of his most serious and anxious attention. He had called the attention of the House to a grave case. He knew he was correct in saying that there were feelings in the corps of Marines which now required to be attended to. In submitting this question to the House, he had only discharged an imperious public duty.

The question was then put on Mr. Hutchinson's first motion, which was negatived without a division; and the second he agreed to withdraw.

Transportation to New South Wales.] Sir *S. Romilly*, in rising to make his motion for a committee to inquire into the state of punishment by transportation to New South Wales, said, that as it was not likely it would meet with any opposition, he should not trouble the House with many words on the subject. All he felt anxious for was, that the House should receive the necessary information, not only as to the effect, but as to the nature of the punishment of transportation to New South Wales. It was extremely important that the House should be informed on both of those points. We who were every day adding to our penal code, must feel it of extreme importance that both the nature and effect of such a punishment as this should be known, not only to those who made the laws, but to those who administered the punishment annexed to the violation of them. Many of our magistrates were quite uninformed, not only as to the nature and extent of this punishment, but also as to the effects produced by the infliction of it. There were many offences of a very slight nature, when compared with others, to which this punishment was annexed and inflicted. It behoved the House, therefore, to be better acquainted on this subject than they at present were.—The object of his motion was not to impute suspicion or censure to any class of persons. But when he considered that the House was in possession of so little information respecting the colony of New South Wales, and that the information which existed, and was to be found in the works of Mr. Collins and Mr. Mason, could not be said to come before the House in an authentic form, he felt strongly that no serious objection could be urged against his motion. The practice of transporting to Botany Bay had now prevailed since 1792: it was in every respect different from the former system of transportation to the American colonies; and, as a new experiment, deserved the fullest enquiry. He moved, therefore, "That a Committee be appointed to inquire into the manner in which sentences of transportation have been executed, and into the effects which have been produced by that mode of punishment."

After a short conversation the question was put and agreed to.

HOUSE OF COMMONS.

Thursday, February 13.

Mr. Whitbread's Motion for Correspondence Relating to America.] Mr. *Whitbread*, in rising to make the motion of which he had given notice, for an Address to the Prince Regent, praying that the correspondence which had passed between the government of this country and that of the United States should be laid before parliament, said, he might be perhaps allowed to indulge in a sentiment of regret, that on a subject so important as a question concerning the situation of this country with respect to America, so few members should be present. He would, nevertheless, bring it forward, as, whatever might be the feelings of others on the subject, their conduct should have no effect upon him, convinced as he was, that, in submitting that motion to the House, with which it was his intention to conclude (and which was merely a motion for information), it was advisable that no delay should occur,—that not a single day should be lost. All parties, both in this country and in America, had professed to deprecate a war between the two countries, and all parties had acknowledged that such an event was but too probable. The government of America and the government of this country, from the beginning of the commercial and the diplomatic con-

Digitized by Google

test in which the two countries were engaged, had uniformly professed to be actuated by the most friendly and conciliatory dispositions; but it had unfortunately so turned out, that, professing such feelings, the breach between America and England had been widened from day to day, till at length it appeared from the message of the President of the United States to Congress, that war between the two countries would be the inevitable consequence of a perseverance in that system on the part of England, which had been acted upon for the last five years. That information which it was his intention to call for this night was already before the whole world, with the exception of the two Houses of Parliament in this country. It was before the people of England, of France and of America; it was before every person who could read a newspaper, but it had not yet been given to the British parliament for their information and consideration. One would be glad to know why the right hon. gentleman had near the close of the last session withheld the papers which he (Mr. W.) solicited, and why, with the additional documents on the subject, they were still, as he understood, to be refused to him and the House? Motions of this description were by no means unfrequent. When the conduct of government on former occasions had furnished grounds for jealousies, and for suspicions that the business of the state was not well conducted, as had been the case with respect to the operations in the peninsula, and those of the expedition to Walcheren, and in various other instances, informations, when asked for, had at times been given, and at times refused. When it was refused, it had been stated as a ground for such refusal, that the production of the papers called for would disclose secrets which could not be made public with safety; that the granting of the required information would in some respect or other, be dangerous, and calculated to produce inconvenience. Sometimes information had been refused, on the ground that it might injure or impede pending negociations; and it had been stated that foreign governments complained of their correspondence being published, and were more reserved than they would otherwise be, from an apprehension that their letters might be laid before the two Houses of Parliament of Great Britain. In this case, he wished to know what grounds could be found to justify a refusal of the papers called for? No plea of the nature of any of those which he had enumerated could be urged in the present case. The information, for which he called, had already been disclosed to the whole world. He would ask for nothing which was not then on the table of that House, in the two books before him, which had been published by order of the American Congress. From reading these he saw great reason to blame the conduct of those who had conducted the negociation pending between this country and America; but he was not able to make a charge against the parties concerned in them, because the papers he called for were not before parliament, and the House as a House of Parliament were ignorant of the existence of the publications he had alluded to; and it seemed that it was still intended to keep from them that information he felt it his duty to call for. It had been stated by a right hon. gentleman (and wisely stated) that this country, actuated by a sincere desire to conciliate America, could beat more from her than from any other power. If this were wisely said in the first instance, surely it must follow, that it would be wise to act with a greater disposition to conciliate the government of America, than to conciliate the more ancient governments by exhibiting towards that country the strictest and most punctilious attention to decorum: The reasons which recommended such a line of policy were obvious; but, so far from such a principle having been acted upon by his Majesty's government, their conduct had been marked (as he could shew from the papers he required) by the greatest inattention to the American envoy, by neglect, amounting to little less than diplomatic incivility, while the conduct of our ministers in America, since the recall of Mr. Erskine, had been in a corresponding degree inconciliatory. But all the means of showing this were to be refused him; and he was the more surprized at this refusal in the present case, as the right hon. gentleman (Mr. Canning), who was the colleague of the right hon. the Chancellor of the Exchequer, at the time the Orders in Council—those 'celebrated' or 'famous' Orders in Council (they might take which term they pleased), were framed, though not in the habit of voting with him (Mr. Whitbread), or with that side of the House on which he usually sat, had never refused papers called for, when it was proved that they

Digitized by Google

had been previously printed by order of the American government. That right hon. gentleman presumed then, as he (Mr. W.) presumed now, that it would be to insult that House, to refuse that information which was before every body else, and therefore never gave opposition to such a motion. The papers before the House at present came down to the end of Mr. Erskine's mission. To that gentleman had succeeded as ambassador to America Mr. Jackson, who had not carried on the negociations between the two countries in such a manner as to conciliate America. So far from it, after he had been there a short time an open rupture broke out, and the recall of that minister was the consequence. He would not now move for the correspondence betweeen Mr. Jackson and the American government, as that business was gone by, and he had no wish to revive it, as to recall it to the memory of the world could do no good. To Mr. Jackson, after a long interval, succeeded Mr. Foster. The mission of Mr. Foster had commenced inauspiciously, and in prosecuting it, he had not given things an auspicious turn; and it had at length terminated most unfortunately for both countries. He felt himself compelled to say that neither the instructions nor the conduct of Mr. Foster bore the appearance or had the effect long desired; that of conciliating America. There was another correspondence of which he had to speak, he meant the correspondence between the marquis of Wellesley and Mr. Pinckney. That correspondence had commenced in January 1809, and terminated in February last year, on Mr. Pinckney's quitting the country. Of Mr. Pinckney he hardly need say any thing; he was a man of sound sense and strict integrity, and had uniformly appeared to be actuated by a sincere desire to conciliate the government of this country. Without losing sight of those interests which were intrusted to him by his country, he had always approached ministers with due diplomatic deference, and with the proper feelings of an enlightened statesman. Firm to his purpose, yet conciliating in his manner, a want of punctuality and attention was in no instance to be charged to him; and the mode in which he had endeavoured to accomplish the object of his mission was in every respect entitled to commendation. But he was very much afraid that Mr. Pinckney had not been treated with the same punctilious respect which had marked the deportment of that gentleman towards the English ministers. At the time the correspondence between the marquis Wellesley and Mr. Pinckney commenced, it was known that there was a great soreness in America, in consequence of what had occurred in the course of the mission of Mr. Jackson. The first letter which Mr. Pinckney had occasion to write to lord Wellesley, was with a reference to the occurrences alluded to. On the subject of the pending negociations, it was known there was a remarkable sensibility in America as to the parties by whom they were to be conducted. After the termination of Mr. Erskine's mission, and the unfortunate (as it proved) substitution of Mr. Jackson, it might have been hoped that the English government would therefore have been particularly careful that no want of decorum should give a new offence. What was the conduct of ministers? Why on the 2d January, 1809, Mr. Pinckney wrote on the subject of appointing a new minister to America, and to this letter no answer was given by the English government till the 14th March. Upwards of two months of precious time was thus wasted. On this subject Mr. Pinckney, in his dispatches to his government, had only observed—"I was prepared to expect some delay, but I did not expect a delay like this." Lord Wellesley gave an answer on this subject on the 14th March. On the 15th, Mr. Pinckney wrote again to lord Wellesley on the subject of the English system of blockade, a subject most interesting to America. After waiting more than a fortnight, an answer was returned to this letter on the 2d of the following month. On the 30th of April, he (Mr. Pinckney) wrote again on the subject of the Berlin and Milan decrees, but to this letter he received no answer. On the 3d of May, Mr. Pinckney wrote to lord Wellesley, complaining of the practice of forging ships' papers in London, and of making an open traffic of them. A traffic more infamous and more dishonourable could not exist, and consequently a more serious and more severe charge could not be made against any government. Yet notwithstanding all this, to Mr. Pinckney's communication on the subject no answer was returned. On the 23d of June, Mr. Pinckney wrote again, referring to his letter of the 30th of April on the subject of the Berlin and Milan decrees, to which no answer had

Digitized by Google

been returned. To this letter no answer was given. On the 7th of July, Mr. Pinckney wrote again on the subject of the delay in appointing a minister. To this letter no official answer was returned. A personal communication as it was called, (a private note) assuring him that a minister should be appointed immediately, was all the notice taken of it. On the 8th of August, Mr. Pinckney wrote again, referring to his (Mr. P.'s) letters of the 30th of April and 23d of June, on the subject of the Berlin and Milan decrees, requesting an answer, but to this letter also no answer was returned. On the 23d July he wrote again, and again no answer was returned. On the 25th August he wrote again on the subject of the revocation of the Berlin and Milan decrees, and demanding an answer. To this letter an answer was returned on the 31st of the same month. On the 15th September he wrote again to lord Wellesley, on the subject of the blockade of Elsineur by sir J. Saumarez, and on the circumstance of four American seamen having been impressed out of the Viola. On Dec. 6, he received an answer to this letter, as far as it related to the blockade, but saying nothing on the subject of the American seamen. With respect to them nothing appeared to have been done by government, but they were afterwards released by order of the Admiralty. Nothing had ever excited his surprise so much as the conduct of ministers at this period of the negociation. It was known to the whole world that one of the most nice and difficult points to be adjusted between Great Britain and America, was that relating to the seizure of American seamen. Surely then, when an opportunity offered of doing that which America wished, and which ministers admitted to be no more than justice, it might have been expected that they would eagerly embrace it with a view of conciliating America. This might surely have been expected from a minister, who knew how fatal to this country a rupture with America must prove. This, however, was not done, though, by the bye, Mr. Pinckney was apprised of the circumstance of the American claims being admitted to be just, yet, instead of eagerly embracing such an opportunity to conciliate, an answer was coldly and reluctantly wrung forth, not from the noble secretary of state for the foreign department, —not by letter from him—but practically by the discharge of these men by sir William Scott, in the high court of Admiralty; thereby acknowledging the right and justice of the claim urged on the part of America. This was the conciliation of the noble secretary—that he permitted the sentence of a court of justice to give a practical answer to a foreign minister, whom he would not take the trouble of putting pen to paper to satisfy on so interesting a point! On the 21st day of September, Mr. Pinckney wrote again, referring to his letters of the 30th April, 3d June, and 8th August, on the subject of the Berlin and Milan decrees, and asking an answer. To this no satisfactory answer was given. Letters dated December 8th and December 10th were written, and these leading to no satisfactory result; Mr. Pinckney demanded his audience of leave. A passage in the speech of the Prince Regent to parliament, which appeared at a period not very remote from that last alluded to, on the subject of America, raised new hopes of an amicable termination of the pending negociations. The paragraph, though in itself very equivocal, merely stating that discussions were going on, and that every disposition existed to conciliate America, consistently with the honour and interests of this country, excited considerable expectations that the negociation was proceeding in a way from which there was every reason to hope the issue would be favourable. No such thing. At that time Mr. Pinckney had demanded his audience of leave, and the negociations in America were at an end. The negociations had at that period terminated, and they were resumed, and not continued, when Mr. Foster was sent from this country. After this, little appeared to have been done towards effecting the important object which both governments professed to have in view, from the correspondence between Mr. Foster and the American government, which was then on the table before him. It had been hoped when Mr. Foster was sent out, that he had new instructions, but on his arrival in America, it was found that he only went to offer what had been previously rejected, and to restate what had often before been stated in vain; and thus his mission was only productive of disappointment. He (Mr. Whitbread) purposely abstained from a discussion of the policy of the Orders of Council. Whether they were good or bad, and whether the Berlin and Milan decrees were or were not repealed, were questions

Digitized by Google

which would in a few days be brought before that House by an honourable friend of his, when he hoped an attendance more proportioned to the importance of the subject would be given. He would confine himself to asking for that which was necessary to the House, preparatory to their entering into the subject which his hon. friend would bring forward. He only called for that which was necessary to a decision, which (as he thought), must soon be formed on ministers, who, (in his opinion), had brought this country to the verge of a war with America. The last letter which had passed between Mr. Foster and Mr. Munroe, which had been published, was dated October 31, 1811, and he begged to be understood to ask for nothing which had not been printed. The message of the President was sent to Congress on the 5th of November following, and on the 10th, a committee on foreign relations made a report of an unfavourable nature for this country, and there was no doubt but it was the feeling of America, that the mission of Mr. Foster had been totally ineffectual, and was in point of fact terminated. Under these circumstances his humble motion would only call for what had here already been made public. He was sorry to say it, but the correspondence between the two governments was so voluminous, and the novelty was so completely worn off, that to those who were most deeply interested in the question of peace or war between the two countries, it must be very tiresome to read, and in consequence of that, he was afraid but few gave to it the attention it merited. He did not mean to throw any reflection on the talents of the correspondents on either side, as when a correspondence had been carried on for years on the same subject, it was totally impossible to make it otherwise than palling. On the important question of peace or war with America, the House was not called upon to decide that night; he only called upon them to demand that information which could alone enable them to decide on that great question. They could not properly decide on it without having the papers for which he called in a technical shape to refer to on their table. However little might be felt on this subject in that House, out of doors its importance was well known, and no small interest was taken even in the success of the motion he was about to make. Whether England had acted unjustly towards America, or whether America had acted unjustly towards England; whether the blame ought to be thrown upon France or upon England, or upon America, he did not call upon them to decide. Whatever was really the case, and whether the Orders in Council were wise or unwise; whether they had been acted up to, or whether to act up to them had been found impracticable, were things which he would not call in question; but of this, he believed nobody could doubt, that great commercial distress had been experienced, and that if the market of America were to be thrown open to us, it would be felt to be a great and signal blessing. War with America, it was equally obvious, would be a great evil: and war once commenced, no man could tell what might follow. It was an easy thing to talk and write of putting down America, of inflicting chastisement, &c. as if it was in the power of England to annihilate her: we might talk this well, but we could not put America down. She was there where we had placed her; it was not in the power of England to annihilate her, and it was therefore the interest of England to be her friend.—He was not certain that the time was not gone by for conciliating America, and had he spoke eight and forty hours sooner, he might have been inclined to have pronounced it altogether past. He had had fears that the Constitution frigate, which sailed from France on the 9th of the last month, had carried that with her which might prove fatal to this country. Within the last 24 hours new arrivals had partly dispelled such apprehensions. The act spoken of as likely to pass, admitting English manufactures which had been purchased *bonâ fide* before Feb. 1, 1811, had given the people of this country great hopes of relief, as it was felt that acting on the false swearing system noticed by Mr. Pinckney, almost any quantity of goods might be sworn into America. The joy, however, expressed at this prospect of an opening market, sufficiently proved how great a blessing such a change would be considered, as that which the revocation of the Orders in Council would occasion. The Orders in Council had disappointed those by whom they were framed; from our principal manufacturing towns—from almost every quarter there were the loudest complaints against them, and there was hardly a merchant to be found, who was not thoroughly persuaded of their mischievous tendency. On this question, however, he did not call upon the House to decide, but

Digitized by Google

he called upon them over and over again to put themselves in possession of that information which he had endeavoured to shew was so necessary. He could not but admit that with him America was extremely popular. He looked back to that contest in which she had been engaged with this country, with reverence and admiration for America. That contest had terminated as all such contests should terminate. He felt no jealousy of the prosperity of America, convinced as he was, that with proper management here, the more she flourished, the more would this country flourish; and that on the other hand, from the flourishing condition of Great Britain, America would derive a fresh impulse and additional vigour. He had seen nothing after all that had been said that could be looked upon as injustice to this country on the part of America. He had heard a very great outcry against her injustice, but he had seen none of it. He had heard it trumpeted forth long ago, that America was engaged in secret hostility against this country, but he did not believe it. He believed that America, placed in the extraordinary situation in which she had stood, that of the only neutral in the world, had done as every other power would, and endeavoured to avail herself of all the advantages of her situation. He thought that England had been unjust to America, and had required that of her which it was impossible she could achieve. He thought France had acted unjustly to her, and required that of her which it was impossible she could achieve. Placed in this situation, she endeavoured as long as she could, to preserve her independence by defensive operations. The Non-Importation Act had therefore been enacted, and afterwards the Non-Intercourse Act. In the measures she had adopted, it did not appear to him that there was partiality towards France or injustice toward England; but he thought the government of France had been wise enough to recede from their measures, and thus gained advantages which we denied ourselves. The news which had so recently arrived from America, made it more important than ever, for the House thoroughly to consider this subject. The Bill spoken of as likely to pass, would, he thought, if passed, be calculated to give umbrage to France, and it was the duty of the English government, to endeavour, by conciliation, to avail themselves of any difference that might arise between America and France. He did not know that any thing that he could say in addition to what he had offered, would be likely to influence the House more than what he had already advanced, he should therefore conclude, and whatever might be the fate of his motion, he should feel the satisfaction which had consoled him on other occasions, however he had failed of gaining the object he had in view, he meant that satisfaction which arose from a conscientiousness of having discharged his duty. He concluded by moving, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions, that there be laid before this House, copies of all correspondence which may have taken place between his Majesty's principal Secretary of State for Foreign Affairs, and the ministers or Chargés d'Affaires of the United States of America, resident in England, from the 1st of January, 1810, to the latest period; also of all documents referred to in the said correspondence, together with copies of all correspondence between Mr. Foster and Mr. Monroe, with the documents referred to therein."

Mr. *Stephen* expressed his satisfaction at having heard from the hon. gentleman, that he had no intention of going into the justice or policy of the Orders in Council, since the subject would soon come in a separate shape before the House, when it might be discussed with so much more advantage. But while this relieved him from the necessity of entering into the question of justice and policy, which he was fully prepared to do, he could not but regret, that without arguing the subject, the hon. gentleman had jumped to a conclusion—that he had dealt in generalities, and said, that the conduct of this country towards America was wrong. By this proceeding of the hon. gentleman, he was placed in a very unpleasant dilemma. He could not enter fully into the conduct of the Americans, without occasioning a discussion which it was far from his wish to produce; and yet he would assert, in general, that instead of there having been any injustice in the conduct of this country towards America, we had the strongest case against her that ever one nation had against another: but he would not appeal to the evidence which he had brought with him, and he trusted he should be delivered from ever engaging in so unpleasant a dispute. At present, he would only say in general, that there never was

Digitized by Google

a more unfounded position, than that Great Britain had been unjust towards America, or wanting in a spirit of conciliation. On the contrary, nothing but the utmost aversion to a quarrel with America could have enabled this country to have borne so much. So far from having done any thing to provoke a rupture with America, the strongest, most persevering, and almost even humiliating means, had been employed to avoid it. He would forbear entering now into that topic, more particularly because he thought the question was not whether we should go to war with America, but whether America would go to war with us. (Hear, hear.) He saw no good that could result from a premature agitation in that House of the differences between the two countries; but, on the contrary, was satisfied that it might be attended with a great deal of inconvenience and mischief. If, however, he should be forced into a discussion of the justice and policy of the Orders in Council, he would follow the hon. gentleman through the latter branches of them, as he had done through the former; and had no doubt but he could prove what he now asserted,—that they were neither unjust nor impolitic. The hon. gentleman had asserted that even those who had framed the Orders had been disappointed in their expectations of the effect which would be produced by them. In this assertion the hon. gentleman would find himself much mistaken. He denied also that there was any evidence of the mercantile interest in general, considering the Orders in Council as injurious to trade. If they did, they must have forgot the prostrate state of our commerce previous to the issuing of the Orders in Council; and its prosperous condition since that time: the whole forming the strongest body of evidence that ever appeared on such a subject.

With respect to what the hon. gentleman had said about the annihilation of America, he would ask him when or where he had heard a wish expressed, that America should be annihilated? For his part he had never heard any wish expressed with regard to the dispute with America but one, and that was, that a war with that country ought to be avoided, if it could be done without that utter ruin to the maritime rights and commerce of Great Britain which must be the consequence of yielding to the arrogant pretensions of France. (Hear, hear!) When the possible annihilation of America in the event of a war was contemplated, it was only from an idea of the resistance that in such an event the Americans would be likely to make to the measures of their own government. He was however far from thinking with the hon. gentleman that the more America flourished the more Great Britain must necessarily flourish. When the hon. gentleman talked of adopting a proper line of conduct with regard to America, he well understood what was meant by that; it meant, that we were to allow her to take up the whole carrying trade; nay, even the whole coasting trade of France; that we ought to consent to her carrying on the whole commerce of our enemy without interruption. That was the amount of the proposition; and what was more extraordinary, the hon. gentleman asserted, that all this would be for the benefit of our commerce! This, he confessed, appeared to him a paradox, of which he should be glad to hear an explanation.

The moral effects of the system established by the Orders in Council, had also been the subject of animadversion: but the hon. gentleman was mistaken there as well as in his other positions. He (Mr. S.) denied that they were the source of these moral effects, and did not see what good end it could answer to advert to the subject. No man could more deplore whatever moral depravity might be the effect of the measures pursued by our enemy: but the fault lay with the enemy, and not with this country. When the hon. gentleman spoke of frauds and perjuries, he ought to have stated where these chiefly prevailed. They took place principally in the intercourse with the north of Europe in the Baltic trade, where the Orders of Council had now no operation. The orders of May, June, and January, had confined the previous orders to the countries immediately subject to the control of France, though the continental system, as it was called, had been extended, as far as depended upon the influence of the French government, to Prussia, Denmark, and Sweden. If, then, these frauds and perjuries were most prevalent in the Baltic trade, let not the hon. gentleman sound the alarm that they arose from the Orders in Council, when in fact they were chiefly practised on a theatre where the Orders in Council had now no operation. It was impossible for the hon. gentleman to depre-

Digitized by Google

cate a war with America more than he did; but he had only to say that it was not a question for their determination. It was for America to decide the point—she had fallen upon a new system, and made new and unheard of pretensions; and he was astonished to hear it said that America had evinced no partiality for France. France, it was well known, had made large pretensions on the subject of maritime rights, and in these she had been followed by America. She had asked more than the hon. gentleman himself had ever asked for her before. In conclusion he stated, that war with America would be avoided by the British government, unless they found themselves in a situation in which it could not be avoided—he would not say without risking our greatness—he would not say without risking our honour—he would not say without risking even our security—but he would say without risking our very existence as a nation.

Mr. *Curwen* had not heard one argument against the motion of his hon. friend, except the one which went to state that the House was not the fit place for discussing the differences between the two governments. He deprecated the idea which seemed every day to be gaining ground, that it was necessary for the well being of the country, to shut out information from parliament on subjects of the greatest importance to the existence of the country. The hon. and learned gentleman had not justified the conduct of the British government towards America, as reprobated by his hon. friend. Was the conduct complained of, such as ought to be pursued, and tolerated against the minister of an independent nation? Was there a single individual in this country (supposing America had treated the British minister in a similar manner), who would not have held up his hand in favour of war; and had not America great reasons for complaining of the arrogant and insolent manner in which her minister was received? He should have conceived under all the circumstances, it would have been impossible for ministers to deny the papers. The state of things called upon them, in his opinion, to review and retrace their steps in the course of the discussions. With respect to what had been stated about the Orders in Council, he thought the hon. gentleman might have retracted his opinion on the effect of those orders, the more so, as a great statesman who had once given his opinion in favour of the Orders in Council (Mr. Canning) had so done. The principle of the measure was founded on injustice, and it would be well for ministers to consider the state of the country, when they resolved to persevere in those Orders. He had the greatest satisfaction, however, in the prospect that with whatever pertinacity the commencers of this system persevered in it, they would not be long enough in their places to carry it much farther. He said this not from any personal dislike to the right hon. gentleman opposite, but purely from a conviction that his measures would be ruinous to the country. A change of men, without a change of sentiments and policy, would have no effect. He would much rather there was no change, if it was to be the case. If the country was doomed to perish, better would it be to perish with the ministers who had brought us into the mischief. There certainly was a lamentable supineness among public men at the present moment. It might not be very agreeable to say it, but it was nevertheless true that they evinced in general too much attention to their own interests, and too little to those of the country. Great Britain did appear to him to be beset with imminent dangers, and to require in the direction of its affairs no ordinary portion of talents and virtue. There were two most important subjects which called for serious attention. The first was the state of Ireland, and that was a subject which required the most minute investigation: next to that was the state of our relations with America. The denial of the right hon. gentleman to furnish the papers asked by his hon. friend was a proof of his hostility to America. (Hear, hear, from the ministerial side!) He would repeat it, a proof of his hostility! and would argue that it was not only a proof of his hostility, but that he was afraid to meet the discussion upon fair and equal grounds.

The *Chancellor of the Exchequer* could not pretend to say what conclusions the hon. gentleman might draw in his own mind, or what he might be disposed to argue; but he assured him that his conclusion was wrong, if he supposed that the refusal of the papers moved for could proceed only from a spirit of hostility to America. On the contrary, if he now wished to withhold those papers from the hon. gentleman, it was merely to avoid quarrelling with America, if it were pos-

Digitized by Google

sible to avoid it. The object of moving those papers was to have a discussion on them when granted; and it appeared to him that any parliamentary discussion which could now take place upon the subject, must necessarily tend to increase rather than allay the irritation on the one side or the other. He agreed with the hon. gentleman in considering the subject as one of extreme importance and interest. It was moreover, a subject of great importance to us, whether this country should be forced into a war (if war could not be avoided) by America, or whether the war should proceed from any misconduct on the part of the British government. He must however always maintain, that as to the spirit of conciliation always professed in the diplomatical correspondence between the two countries, it was most sincere upon our part. The government was alive to all the advantages of reconciliation with America; but still they felt it their imperious duty not to abandon those maritime rights which this country had ever maintained, which were indispensable to its character and safety, and which, if once relinquished, would leave the country but little more to give up. He felt, that the question had been narrowed very much by the hon. gentleman having declined to argue it on the grounds of the policy and justice of the Orders in Council. Those points he had professed a wish to discuss on a future day, when the motion of which an hon. and learned friend of his (Mr. Brougham) had given notice, should be brought forward. He could not but say, that he felt sorry, that since the hon. gentleman himself did not think this a proper time to go into the question of the justice and policy of the Orders of Council, he had not hesitated to pronounce his opinion of their injustice and impolicy. He could not but regret to see the gentlemen who usually sat on the other side of the House had so little hesitation in giving an opinion against the cause of their country. They should recollect, that the 'commencers'—to borrow a phrase from the hon. gentleman, (Mr. Curwen) of this system, were not those who were now his Majesty's ministers. It was from the gentlemen on the other side that this system commenced; and if they had steadily maintained their own principles there would now be much less of that opinion in America of the injustice of the conduct of Great Britain. It was, indeed, very natural for the Americans, when they read the speeches of leading members in our parliament, men of weight, character, and influence, charging the government of this country with injustice, to suppose that there must really be injustice. The hon. gentleman had found great faults with lord Wellesley for not going into a detail of the principles of blockade our government were ready to abandon, in order to purchase of France the revocation of the Berlin and Milan Decrees. The first letter which he alluded to, of the 30th of April, was written precisely and entirely for the purpose of asking lord Wellesley that question. The American minister, however, must have been well aware at that time, that if there was any one question more than another which our government were determined not to mix up with the question of the Orders in Council, it was precisely this question about blockades. It could hardly be supposed, that we would give an answer to France, how much of our rights of blockade we were ready to surrender, in order to purchase for the Americans a revocation of the Berlin and Milan Decrees. As to the correspondence between Mr. Pinckney and lord Wellesley, if the hon. gentleman, upon reading it, could discover nothing but what was conciliatory in the letters of Mr. Pinckney, and nothing but what was unconciliatory on the part of lord Wellesley, he could not account for such a construction of the correspondence upon any other principle than the partiality which the hon. member had avowed for America. Now, as to the letter which was said not to have been answered, the subject of that letter was the recall of Mr. Jackson, and the appointment of another minister in his place. Mr. Pinckney himself, in his correspondence with the American government, stated, that after writing that letter, he had had many communications with lord Wellesley on the subject, and repeated opportunities of personal intercourse; and that he was informed by his lordship, and had no doubt of the fact, that a minister would soon be sent out to America. If that letter, therefore, was not formally answered, it was because the information sought for by Mr. Pinckney had been communicated in another manner. The ground upon which Mr. Pinckney specifically demanded his passports was, that no minister had been sent out to America, according to promise. He was informed at the time, that the only reason why a

Digitized by Google

minister had not been sent out sooner, was the situation in which the government found itself for the two months in consequence of his Majesty's illness. He would much rather that the hon. mover had gone into an argument on the justice and policy of the measures pursued with respect to America, than that he should have stated generally as he had done, that those measures were unjust and impolitic. He believed the hon. gentleman did not mean to deny the principle that we had a right of retaliation against France, for all those evils which her injustice to neutral nations and neutral commerce might bring upon this country. At least, this principle was not first promulgated by those who are now his Majesty's ministers: it had been distinctly and authoritatively declared, before they came into office, by the gentlemen who now sat on the other side of the House. The first of those measures was the blockade of 1806, which was imposed by Mr. Fox, and which was at that time loudly complained of both by France and America. The authors of the Order in Council for the blockade of 1807, only acted upon the principle which had been strongly, and, as they conceived, properly laid down by their predecessors, and followed, in this respect, their example. He thought the gentlemen who supported the original measure in 1806, ought not now to be the persons to raise their voice against the justice and the policy of the measures since pursued. He should be at all times ready to maintain, that they were consistent with justice and policy, and with the relation which states bear to each other, in the extraordinary circumstances in which the world is placed at the present moment. When the hon. gentleman talked of mercantile distress, and attributed it all to the Orders in Council, he begged the whole question. He must positively deny that it was occasioned by those measures: on the contrary, it was owing to them that the distress was not much greater. It was to what was called the continental system that this mercantile distress was owing; and this system had been much controlled and checked in its progress by the Orders in Council. As the hon. gentleman had professed not now to enter into the argument of the justice and policy of those measures, he should also content himself with just glancing, as he had done, at the reasons which made him consider them neither unjust nor impolitic. He deprecated hostilities with America (if they could be avoided) as much as any man; for he agreed with the hon. gentleman, in believing, that the true prosperity of America would produce the prosperity of Britain; and that there were much greater advantages to be derived from the wealth of America, in a friendly commerce, than could be expected from provoking her to war. Under these impressions, he thought that peace should be maintained and preserved as long as it could be maintained and preserved, without abandoning those maritime rights which this country had always claimed and exercised. But although he saw great evil in a war with America, yet he could not conceive it an evil of so great a magnitude as it appeared to the hon. gentleman who looked to it as likely to produce the certain ruin of the British empire. No one circumstance would be found in all the papers between America and France, which shewed the least intention of diminishing in any manner the real effect of the Berlin and Milan decrees. The continental system was to be preserved in all its force, and there was not to be the slightest relaxation, in favour of this country, of a single point of it, even if this country should consent to abandon the Orders in Council. He would refer the hon. gentleman to a letter which was then in his hand, from Monsieur Tureau, the French minister to the American government. In this letter the French minister told America, "that it was to be clearly understood, that France could not consent to alter that system of exclusion adopted by all Europe against the commerce of Great Britain; the wisdom and policy of which system was already developed in its effects upon the common enemy." It then appeared, that if America were to release herself from the operation of our Orders in Council, she was to be consenting to and assisting in the plan for the complete exclusion of our manufactures and colonial produce from every part of the continent of Europe. This being the case, he would wish to know upon what principle any manufacturers or merchants in this country could expect to be much benefited by the repeal of the Orders in Council? If our Orders were called anti-commercial and anti-neutral, what name was to be given to the policy of France? It was her anti-neutral policy to engulph in her own power and dominion all neutral powers

Digitized by Google

which she was able to attack. In this anti-neutral spirit, Hamburgh was deprived of its independence, merely because France declared that this was a means of destroying British trade and taking British ships. What neutral was ever safe that the arms of France could reach? Had she not said to each in succession, "We must take away your independence in order to injure England"? Was it then a question, whether we were entitled to call upon neutral nations to assert and maintain their rights, and not suffer themselves to be made passive instruments in the hands of France, to second her hostile designs against this country? If the French government had resolved to turn trade into a sword, and commerce into measures of hostility against us; and if neutral nations would lend their hands to sharpen this instrument, intended for our destruction, we had a right to arrest the arm that would wield it, and those neutrals had no great right to complain, even although they might suffer something by the operation of the Orders in Council. It was not his wish to enter into a discussion now of those points for which the hon. gentleman desired those papers to be produced. He should vote against the production of them, because he thought that ministers ought not to consent to lay a foundation for a discussion which, in their opinion, might do harm at the present moment, and could be productive of no good. The hon. gentleman seemed to think, that the correspondence between the two countries was now finally closed, and that, therefore, there could be no danger in their production. He, for his part, hoped that the correspondence was not finally closed; and while a hope of that sort remained, however slight, he wished to cherish it, and to do nothing which could increase irritation. He thought it possible that there were points in those discussions which might still be brought to a favourable issue: an event which could hardly be expected if those matters were publicly discussed in that House. He was extremely desirous to believe that the final issue might be different from what appeared from the present state of things, and therefore, he did not feel himself at liberty to go freely into such a discussion until the complete determination of the question. There were many points in the conduct of America which he could not now characterise by those epithets that he would conceive himself justified in using, if an amicable settlement of those points became impossible.—An hon. gentleman (Mr. Curwen) had more than once in the course of his speech, expressed a hope that his Majesty's present ministers were not likely long to hold that situation. (Hear, hear!) Whatever golden dreams might be indulged on this subject, he must say, that as far as he knew any thing about the matter, he rather imagined that the hon. gentleman would find, that his consolatory prospects would not open upon him quite so pleasantly as he had imagined. (Hear, hear!) But if the system which the hon. gentleman so strongly recommended, were ever to be a system dictated to the government of this country by parliament, then, indeed, he should feel happy to quit his present situation, and no longer form a part of any administration which must pursue a course so hostile, as he conceived, to the true interests of the country.

Mr. *Bastard* said, that when he read the resolutions passed in America, he wished that resolutions of a contrary nature should be passed to meet them. The American government had in fact declared, that they would go to war with this country as soon as they were prepared. He thought that such resolutions might fairly be met by a declaration of war upon our part, for if the alternative was war or humiliation, surely the former was infinitely preferable.

Mr. *Herbert* (of Kerry) on the contrary was of opinion, that war with America ought to be avoided as much as possible. He had great doubts whether we were right in the present quarrel. As to what had been so much talked of,—our maritime rights,—he believed that much of what was claimed as maritime right, was somewhat doubtful. It appeared now, that we were to maintain those rights, as they were called, against almost all Europe. He hoped that those rights which were to be maintained against so formidable a force, would be just and clear beyond dispute. The policy of a war with America appeared to him to be as doubtful as the justice of it. It would cause an accession to France of many advantages in naval stores, and of a large body of sailors not inferior to our own.

Mr. *Baring* thought that notwithstanding the moderation of tone and manner of the right hon. gentleman who had just sat down, it was hardly possible that war between this country and America could

Digitized by Google

be avoided, if the goverment were to act in the spirit of the sentiments which had been that night delivered by that right hon. gentleman and the hon. and learned gentleman who preceded him. The House would do well to recollect, that however strong the feeling displayed on the present occasion by the supporters of government might be, the expression of feeling at the beginning of the last war with America was not less violent. He prayed to God that the termination of the war which the country seemed now entering into might be less fatal than that of the former. But how could any man reasonably entertain such a hope at the present moment, who took a considerate view of the situation of the two countries? If we were formerly unsuccessful, how could it be supposed that we could be now successful against a people whose population and resources had been tripled? A war with America surely ought not to be gone into with levity—but ought to be preceded by the utmost caution and deliberation. He wished to say a word or two about the question of right. The right hon. the Chancellor of the Exchequer on this subject had resorted to rather a curious mode of argument, and seemed to think it enough if he could throw the charge of originating the measures which ended in the Orders in Council on the administration which preceded him. Whether these Orders in Council were to be considered as a retaliation of the measures of the French government or not, or whether the French or the people of this country were the original aggressors, was not, in his opinion, the question at present for the consideration of the House. It had been always said by the advocates for these orders, that America would suffer from them. It was France that was said to be in the wrong, and not America; and the injustice of France was the justification of the injury done to America. Admitting then, that America did suffer from these Orders in Council, surely the manner in which they had expressed their sufferings was at least entitled to attention. But the question was, had this country redeemed the pledge which it gave the American government respecting the Orders in Council? The Orders were to cease when France should repeal the Berlin and Milan decrees; and it was stated by the British government, that if France were to concede any thing in their decrees, we should go on *pari passu* with them in revoking the Orders in Council. Now, had France either totally repealed the decrees in question, or done enough to call upon us to concede something on our part? It was necessary before answering this question, to consider what those obnoxious French decrees really were. We never surely could mean to call upon America to resist that part of the French decrees which related to the interdiction of our trade with those parts of the continent over which France exercised authority. The objectionable part of the decrees was, that which related to what was called denationalization. It was not easy to make out from the jargon of the French decrees, the exact meaning of the terms employed; but what America maintained was, that France had actually repealed all this objectionable part of the decrees. It was for the House, therefore, to consider whether or not the promise to America, was to be fulfilled. The Americans contended that France had now repealed that part of her obnoxious decree, which they were called upon by this country to resist. Could it be maintained that America was bound to insist on France recalling what was called the continental system? They might as well be called on to insist that the Bourbons should be restored to the throne of France. He should really feel great satisfaction in hearing any thing like a proof from gentlemen on the other side, that the decrees were not repealed to all intents and purposes as they respected the Americans. But there was not the smallest room for doubt on the subject:—the official declarations were as full as possible. There was an official communication from the French minister to the government of America. After this, what could America do? And how could the relaxation of the Non-Intercourse Act with regard to France be in any way construed into partiality towards that country? The Non-Importation Act was to be relaxed in favour of that country which should first relinquish the system against which America had been complaining. The French government officially notified the repeal of their decrees to the American government, accompanied certainly with this proviso, that the relinquishment did not affect or alter the continental system which France had adopted. What he should ask would have been the language of this country to America if we had officially communicated

Digitized by Google

the repeal of the Orders in Council, and America should say, we do not believe you? In what possible manner could France convey the repeal more satisfactorily than in the manner adopted? He supposed it would be said, that the assertions of the French government ought not to be believed; but since the revocation there was not one instance of the decree having ever been acted upon.—(Hear, from the Treasury Bench.)—The right hon. gentleman seemed inclined to deny this; but Mr. Foster had been challenged on that point and had remained silent. He was ignorant of any instance of a vessel being condemned on these decrees, since early in the month of November. It was surprising to him, that the revocation was so complete on the part of France as it really was; for it was not the interest of France, that the intercourse between America and this country should be renewed; and it might rather have been expected that that government would have left some doubts for gentlemen on the other side of the House to hang a peg on, for the sake of opposing the intercourse. The hon. and learned gentleman (Mr. Stephen) had seemed all anxiety for discussion, while he very well knew that he had friends before him who would debar him from entering into discussion. The House, he contended, was very much in want of general information on this question with America. The argument against producing this information at present, was one which had been often had recourse to—he had heard it last year—it was said, that delicate negociations were then going on, which would be affected by the discussions which might ensue; and yet when the papers were looked into, it would be seen that there really was no negociation going on at that time; that there was nothing which could lead to any arrangement of the question between the two countries; and that that question might have been very safely discussed in the House. He was afraid that this argument would be brought forward to the last; and that the country would at once go to war, without any interval being allowed to parliament to deliberate on the policy which ought to guide the government in the dispute. The right hon. the Chancellor of the Exchequer had, indeed, while exposing the fallaciousness of the hopes of an hon. member respecting a change of ministry, told the House that he would not remain in his situation, if any concession was made to America. Upon the shewing, then, of the right hon. gentleman, there was not the smallest prospect of the dispute being ever settled without the interference of the House.—With respect to the Act at present in progress through the American Congress, he did not think it had been properly considered. It was not in any way to be looked upon as expressive of conciliation towards this country, but as an act of simple justice to the American people. The Non-Importation Act necessarily affected the interests of many who had entered into transactions prior to its being passed; and Congress had appointed a committee to inquire into the mode of redress to which these persons were entitled. But to prevent all misconstruction, it was expressly stated by the chairman of the committee, that the report had been delayed till those Acts had passed, which left no room to doubt of the sentiments of America. He really could not help feeling a good deal of surprise, when he heard the hon. and learned gentleman (Mr. Stephen) confidently talk of the prosperous state of the trade of this country, and assert that it was now more flourishing than previous to the Orders in Council. Would any man in the House, who was any way engaged in trade, say this? Was there any man so unconnected with trade as not to know how utterly unfounded this assertion was? It was really surprising to him that there should be any man so blind to every thing passing around him, so deaf to the language of every part of the country, or so infatuated by the spirit of system, as to venture gravely to assert such a proposition. Could any man be ignorant of the universal distress of the manufacturing towns; of the petitions from Staffordshire; of the reduced state of that once most flourishing trading town, Liverpool? It was astonishing that the hon. and learned gentleman should be so infatuated as not to perceive the dangerous situation into which he had plunged this country, by his writings. To be sure, the right hon. the Chancellor of the Exchequer had taken a more humble line of argument. He had admitted the distresses of the country; but then he contended that they did not originate with him. He thought that these distresses were so evident, as not to require any argument in that House to prove their existence; and, indeed, he should never have thought of noticing the

Digitized by Google

subject, had it not been for the very singular assertion of the hon. and learned gentleman. One most important effect of the Orders in Council was, the loss of the American trade. The hon and learned gentleman had said a great deal, in a very declamatory and imposing manner, about the maritime rights of this country. The Order of the 7th of January 1806, of the former administration, interdicted the coasting trade; and was only retaliating in so far as retaliation could be useful. He was not inclined to give up the point of the coasting trade. War with America was, no doubt, a great evil; and was, no doubt, to be avoided by every reasonable concession; but he did not know whether the trade with America would be an equivalent in this case. Against this Order, America, no doubt, did complain; but it was that sort of complaint which a neutral nation always makes to a belligerent, and was not such a one as was likely to lead to war. Now with respect to these maritime rights, which were said to be in danger, he did not find there was any difference between Mr. Foster and the American government, on the subject of blockade. Mr. Foster wrote on the 26th of July, that the blockade of 1806, would not be continued, unless there was a sufficient naval force to affect it; and Mr. Monro returned an answer, agreeing to that explanation of the subject, and stating the point in dispute to have been the right claimed by Great Britain, of placing whole coasts under blockade by proclamation, without a sufficient naval force to carry that blockade into effect. He wished gentlemen on the opposite side of the House would condescend to explain how these maritime rights could be endangered by the repeal. There had been, in fact, a practical repeal already; and the Orders had been confined to Holland and France. They did not now extend to the Baltic, nor to the Ems, nor to the territory of Murat, which was considered as not subject to France. France would not agree to receive colonial produce into the Elbe or the Ems; and therefore, if the Orders in Council were repealed, France would not receive American vessels. He intreated the House to bestow the fullest consideration on this deeply important question. It was surely the policy of this country to make as much as possible of those countries which it was beyond the power of the enemy to reach, he meant North and South America, and India, which were, perhaps, a sufficient field for our industry.

Mr. *Stephen* explained. He had not said that the trade of the country was at present in a state of the highest prosperity; but, in answer to a proposition of the mover, he had observed, that the commerce of the empire, which had been impaired by the Berlin and Milan decrees, was restored to its original vigour when the system of retaliation was resorted to; and, in fact, it had been raised several millions above what it had ever been before.

Mr. *Wilberforce* said, that when two countries were in a state of pending negociation, it was improper to move for papers by which that negociation was liable to be affected. Those who, under such circumstances, called upon the government to produce them, rendered themselves responsible for all the mischief which their production might create. The case was somewhat altered, when these papers were already before the public, but still it was hard to separate them from those which were at the moment passing between the ministers of the two countries. If he agreed in opinion with the hon. gentleman (Mr. Curwen) who had argued with such extraordinary animation in favour of taking the power out of the hands of ministers—if he agreed in his opinion of their principles, he should certainly come to the same conclusion; but reposing as he did a perfect confidence in his right hon. friend the Chancellor of the Exchequer, trusting as he did to the purity of his motives, and the uprightness of his views, he could not deny his claims to the confidence of the House, when he declared that the production of the papers in question would have an injurious tendency. As to the point of conciliation, he agreed in its propriety, and also in the answer which was given to it. If his hon. and learned relation (Mr. Stephen) had followed the last speaker, he certainly must have gone into the whole of the argument respecting the Orders in Council, but would that have tended to conciliation? When they knew the different opinions entertained by the two great parties, they must know that it was not; when they looked further, and considered the nature of public discussions, on one side the conduct of America arraigned, on the other that conduct justified, and the conduct of England deprecated, and when they considered how far the passions and prejudices

Digitized by Google

of men were liable to hurry them in such a discussion, they must agree that the great and important end of conciliation was not likely to be answered under such circumstances. If the object was conciliation, the discussion of the different topics of complaint and recrimination did not afford the best means of its accomplishment. The motion evidently was not for knowledge, as every person was individually possessed of it at present; it was therefore a preparation for discussion, which, as he had already declared, could not answer the purpose intended.—He would confess, and he was not ashamed to confess it, that there was not at all times a sufficient attention in this country to the spirit of conciliation towards other countries, and particularly towards America. It would be well if persons in high situations of government had been more abundant in their civilities to that nation, which, being a new one, was naturally more jealous of etiquette, possibly from feeling that it did not stand on as high ground as other and older states. The happiness of millions was at stake. There was scarcely any measure likely to prevent a war, in which he would not willingly follow his hon. friend, if he might be permitted to call him so, who with great consistency had always been ready to sacrifice private feelings to the promotion of such objects as the present, and therefore he (Mr. Wilberforce) should oppose the motion, because he did not think it calculated to promote the spirit of conciliation, and consequently not likely to prevent the dreadful extremity which it must be the wish of all to avert. He well remembered that at the time of what was called the great American war, appeals were made to the national honour; he disapproved of such appeals, either then or now, because he did not think the national honour committed. It was not by discussing the various topics of injury, nor by representing the danger to be apprehended, or the melancholy state of our commerce at present, that we should make any advance in the spirit of conciliation. He believed that the state of our commerce was melancholy, but then it should be remembered, that that melancholy state brought along with it dispositions against which it would be necessary to guard, and among others a disposition to impatience, a disposition to grasp at any thing rather than wait for the proper result of measures, the result of which after all might be found to contradict the prophecies of those who opposed them. He should abstain cautiously from discussing the Orders in Council, but he could not help saying, that when they were first issued they were extremely popular among the mercantile classes of the community. This the hon. gentleman (Mr. Baring) had himself allowed in the pamphlet which he (Mr. Wilberforce) had read with all the attention it deserved. The House ought not, in discussing the policy of these Orders to be influenced therefore by feelings, which the present complaints from the same quarter were apt to excite; but to look back on the past, as well as forward to the future, and to form a comprehensive view of what, under all the circumstances of the case, would be most beneficial to the country. He thought the war would be injurious to us, but much more so to America, but he could not think it possible that his right hon. friend the Chancellor of the Exchequer, any more than himself, could look upon that as a reason for wishing for hostilities. His right hon. friend presided over the country, and was bound particularly to watch over its interests, but his mind was not so narrow, his views so contracted, or his principles and feelings so circumscribed, as to adopt such a rule of reasoning or of acting. He would repeat, they should make any consistent sacrifices, but they should not give up what was necessary to the support of their commerce, to the supply of their marine force, or to the prosperity of the nation. One of his reasons for the vote he should give this night was the propriety of preventing angry discussions, to which America might look, without making those allowances for the eagerness of debate, which ought always to be made, and which she might be induced to regard as specimens of the more deliberate feelings of the heart, of which in fact, they were no specimen. There was, he would assert, whatever might be the impressions of particular persons, there was a wish in this country to conciliate America, to treat her with every attention and every respect. This was evident from the manner in which the American minister had been received in all public assemblies while in this country, and from the warm and cordial feeling which was manifested towards him. He did not know whether it was prudent to say so or not, but he could not help thinking that the conduct of the American government and people, was not actuated by the same

Digitized by Google

feeling with respect to us. He could not help expressing his astonishment at an assertion of the hon. gentleman on the floor (Mr. Whitbread) that the conduct of the American government had been impartial between this country and France. That hon. gentleman had on this occasion, spoken in a manner very unlike himself. But still he would again assert, that there was hardly any sacrifice compatible with the safety and honour of Great Britain, which he would not make to re-establish and confirm the amity between the two nations; while on the other hand, he trusted that every intelligent American must perceive, that a sacrifice which should ruin our navy, would eventually lead to the destruction of America herself.

Mr. *H. Thornton* said, that in voting against the motion, he was not guided by the view taken of the subject by the right hon. (the Chancellor of the Exchequer) who asserted, that the production of the papers might interfere with a pending negociation; nor was he influenced by the argument of his hon. friend (Mr. Wilberforce) that America might be exasperated by such a discussion. But he acted from this feeling, that if the subject were entertained at present, it would be a sort of imputation of blame against the persons who had conducted the negociation, a length to which he was by no means prepared to go. The discussion, in itself, would be harmless; for, in a few days, the subject would be agitated on another motion; but, in his opinion, if the papers were granted, it would be a sort of prejudgment of the question respecting the Orders in Council? He was one of those who voted against the Orders in the first instance, but still he did not think that the high ground of morality which was taken by some who objected to them, was altogether candid.—It was now at least doubtful whether they had been advantageous, or the contrary, in their practical effects; and if it should be found that they had supported the maritime rights of England, without the maintenance of which rights it was impossible for England to exist as a nation, he would then conceive himself right in altering his original opinion concerning them. A great part of the question was, whether the Orders in Council did not prevent America from carrying continental produce into competition with ours in the South American and colonial markets: and he hoped that when the merits of those Orders in Council should come to be discussed, those members who were connected with trade would lay before the House all the information and all the facts in their possession, and thereby enable parliament to form a solemn and fair judgment upon them.

Mr. *Hutchinson* said, that he differed totally from the hon. member for Yorkshire in giving his confidence to the minister. So far, indeed, was he from placing confidence in the minister, that, not to speak of a measure of such vital importance as that of peace or war, he was not disposed to place the slightest reliance on him even in the most trivial matters. Let the House, by conceding the motion of his hon. friend, shew to the American people that the great body of the House of Commons were really actuated by the true spirit of conciliation. He deprecated a war with America; and recommended conciliation in our counsels at home, not only towards that country, but towards Ireland, an integral part of the empire. He agreed with the hon. member for Devonshire (Mr. Bastard), that war was preferable to humiliation. No brave man—no man living under an arbitrary, much less a free government, could hesitate on the subject; but he conjured them not to let passion and prejudice force them into an unnecessary and ruinous war. He would say most solemnly and most sincerely, that if he were to judge between the two countries, he should be obliged to vote against his own; he should be forced to say, that England had acted most tyrannically and unjustly to America. The rights which the minister claimed for England were those of plunderers; and Englishmen, great with the spirit of their constitution, ought to tell him, that they would not act like plunderers in compliance with his tyrannical policy. The motion for these papers was a most praise-worthy one. After what had fallen from the right hon. gentleman, how could the House and the country expect a peaceful termination of the differences with America? That right hon. gentleman had said, "I wish for peace; but if we have war, I do not think it will be so fatal as some gentlemen suppose, although of course it must be attended with some disadvantages and inconveniences." Disadvantages and inconveniencies! Was that the way to treat such a serious subject? The man who could speak of the calamities of war so lightly was not worthy of filling a high

Digitized by Google

office in the government of any country. The member for Carlisle had expressed a hope, that other men would soon succeed to those stations, in which the right hon. gentleman and his colleagues had shown themselves so incapable: but what was the right hon. gentleman's reply to this honest hope? He told the House (and it ought to go forth to the country), that whatever golden dreams that hon. member indulged in might be disappointed; he, in fact, told the House, and not equivocally, that he was to be the future minister of England. How the right hon. gentleman could possibly think of facing an indignant country at the commencement of a new era, such as the present awful period was, he could not imagine; but of one thing he was certain, that, if the minister and his colleagues, or any other patched administration, should continue to act on the system which had been hitherto pursued, they would soon shake the monarchy to its foundation, and bury the constitution beneath its ruins. He begged pardon for intruding his observations on the House, and would conclude at once by saying, that he placed no confidence whatever in the plunderers of Copenhagen, or in those who had the baseness to originate the hellish cry of 'No Popery.'

Mr. *Leycester* complimented the last hon. speaker on the consistency of the beginning and end of his speech. He had certainly stated his contempt of the minister most cavalierly, and very much, to be sure, to his own satisfaction, but other members might differ from the hon. gentleman, and he for one begged leave to differ from him totally and entirely. For his part, he placed the highest confidence in the minister. He thought that the government had conducted the affairs of the country in the most admirable manner, and that was not his humble opinion alone, but the opinion of many who had more experience and were infinitely of more consideration than himself. But be the talents of the ministers and his colleagues what they might, it was at least evident, that their conduct towards America had been conciliatory; that it was as conciliatory as was compatible with the independence of Englishmen; who, though they should not wish to be the aggressors towards America, did not, however, at the same time, like to receive insult from her. There was a deal of swaggering exterior in the conduct of America; but he was much deceived, if there was not also much wisdom at the bottom of that conduct, and a wisdom which would, in his opinion, recede in the end from a war with this country. But as to the present motion, could it possibly tend to any good purpose, or was it not rather calculated to produce every bad one? He did not much care who was in or who was out; if the preservation of the maritime rights of the country were to depend on the continuance in power of the present minister, he would support the minister for the sake of the rights. Not being able to see the *cui bono* of the present motion, he should certainly vote against it.

Mr. *Whitbread*, although he was aware that the House was anxious to come to a decision, yet hoped that he might receive the customary indulgence of being allowed to answer the arguments of those who had opposed the motion. The hon. and learned gentleman who spoke last, was at a loss to discover the *cui bono* of the motion;—was extremely anxious to know what good purpose the motion could serve. He could tell the hon. and learned gentleman, that one good purpose which it would evidently accomplish would be, to give him information on the subject of America; for it was quite evident from the tenor of his speech, that he was greatly in want of such information. The hon. and learned gentleman had made a declaration in favour of the minister,—he was ready to place every confidence in him. This was, no doubt, a spontaneous effusion, a gratuitous declaration, springing from his heart, and directed by his understanding. He was even generous without bounds; for he not only loved the minister, but he loved his colleagues too. They were all wonderful men, they were all men of talent! His praises, though very sincere, as it must be supposed, were, however, extremely well-timed; for they came just after the grand announcement of the right hon. gentleman; who, as if he had escaped from durance, had told the country in no very obscure terms, that he was to be the Prince Regent's minister. As far as personal consideration could affect himself, he could assure the House, that he was exceedingly careless who was minister: but, as far as his country was concerned,—as far as higher and more exalted motives could sway his feelings,—he would say, that he most seriously indeed regretted this declaration of the right hon. gentleman. He regretted it, if it were not the mere vapour of arrogance, because it

Digitized by Google

forced upon him considerations of the most melancholy nature; because he knew that the continuance of the right hon. gentleman in power, augured fatally and ominously for the happiness of his country; because such a disastrous fact promised no good, and foreboded every evil; because, calamitous as had been already our situation, this was the shutting out of hope; this was the beginning of despair; this was the consummation of evil. But he would ask the hon. and learned gentleman still, why was his support of the ministers so broad? If the hon. and learned gentleman wished to be considered as delivering a consistent opinion, was he quite right in lavishing his praises on the minister and all his colleagues? Was he not aware that amongst those colleagues there was at least one, who differed from the right hon. gentleman opposite, even on principle; and how, then, could his approbation equally and consistently extend to both? The right hon. gentleman had ventured (as he Mr. W. had conjectured) to deny those papers to the anxious nation, although with no great consistency. He was confident, that if a motion were made in another place for these papers, the marquis Wellesley would not oppose it. The hon. member for Yorkshire had refused his assent to the production of those papers, because in his opinion, they would lead to angry discussions. That hon. member had said, that he (Mr. Whitbread) had spoken to-night differently from his usual manner. He was sorry that he could not say the same of the hon. member, for to do him justice, he had indeed spoken most like himself. He had been unfortunately guilty of no inconsistency,—he unhappily had not departed from the usual course which he had marked out for himself in that House. The hon. gentleman had said, that the production of the papers would cause irritation. He deprecated the fiery debate and the hot contentions which these papers would produce; and yet, with marked inconsistency, and almost in the same breath, he said, that we had every information which we could wish before us; and that every member had already in his hands just as much information as was necessary to be the foundation of a contentious debate. As to what was said by another hon. and learned member (Mr. Stephen), about the disappointment he felt at the course he (Mr. W.) had taken in enforcing his motion, he could only say, that he was extremely sorry for that hon. and learned gentleman's disappointment, aggravated as it was by the preparation which he avowed himself to have made to follow the question step by step; and to discuss the Orders in Council in all their bearings. It was certainly a great hardship on the hon. and learned gentleman not to have the opportunity of speaking for four hours, as he had done on a former occasion on this subject, although in bad health. If the hon. and learned gentleman had been indulged with that opportunity, he would have performed great feats; he would have shewn how wrong America was, and how right Great Britain: he would have shewn how little England had to deplore the Orders in Council; how very slightly her trade had been affected; —not only how slightly her trade had been affected, but how much it had been benefited,—how much her prosperity had increased; how much her wealth had been augmented. All these fine things had been lost, because the hon. gentleman could not make the speech he intended. But the hon. and learned member resisted the production of the papers. He denied the member for Milburne the obtainment of his *cui bono*; and he assisted to keep back that information which would have corrected the erring statements of that hon. and learned gentleman.

It was not surprizing that the hon. and learned gentleman (Mr. Stephen), should support the system of which he was the author, for he (Mr. W.) denied, in the name of all that was great, good and wise, that his lamented friend (Mr. Fox) was the author of that system. That great man, had he lived, would have averted the evils which a short-sighted policy had brought upon the country. But to the publication of the hon. and learned gentleman was mainly owing this system —it was he that was to be thanked by a ruined nation that our manufacturers were starving, and that the same Gazette which recorded our victories should also be crowded with our bankruptcies. It was to him that was attributable the closing of the ports of continental Europe, excepting as far as regarded the perjurous trade to the Baltic. He might indeed be called a questionable authority, and it might indeed be his business to maintain the Orders in Council. But if he were so anxious to make a speech in their defence—if he had in his power all the documents required, why did he not produce them? To avoid

Digitized by Google

an angry discussion?—No; he was most anxious to begin one.—To avoid particular topics contained in them? "No," said the hon. member for Yorkshire, "for you may select them from the news-papers."—Why then did he refuse to produce them? "Because he had such confidence in administration." When he, (Mr. Whitbread) first came into parliament, the country was on the eve of a war with Russia; the favourite doctrine then was, confidence in the administration, and papers on which to found an inquiry were then refused on the same account that now operated. He admitted that he was not one of those who concurred with the minister on that occasion—the hon. member for Yorkshire did agree with him. The motion was negatived by a majority, and the House was deprived of all information on which it could form an opinion, whether the negociation had been properly conducted, or whether a swaggering and dictatory attidude had been taken by the British minister. The present case was nearly similar; but the administration had another reason to assign, and it was said that the disclosure would be injurious to the public service, and the House was left in the dark, consoled only by its confiding ignorance. Then, however, all the documents had not, as in the present instance, been previously published; but still the reply was echoed —"I will confide in the minister. I cannot tell whether he have acted right or wrong, but his word is enough to satisfy me —and if he says I ought not to have them, I am contented." Would the hon. member for Yorkshire at once speak out boldly —Had he read the papers? If he had, he would see that all negociations were terminated, and that there was no possibility of averting war. He did not understand the hon. member's pantomime, (Mr. Wilberforce was making signs.) But he said there was none; all negociation was broken off; and in proof of it, he adduced the President's message, which would not have been sent to Congress in the form it bore, had any intercourse continued between Mr. Foster and the American government. All the hon. gentlemen that had spoken, had alluded in terms of triumph, to his hon. friend's (Mr. Brougham's) approaching motion. They were all ready and anxious to meet it, but where were they to obtain their information? Would they derive it from the news-papers, and yet not suffer parliament to be in possession of a single document? Could any conduct of the weakest man be so inconsistent? The Chancellor of the Exchequer said, that negociations might still, perhaps, be continued; and then he took out of his pocket a piece of a daily print, and read a part of a paper which he (Mr. W.) wished should be laid upon the table. But no; he put it again into his pocket, contented with having read from a letter of the French minister, Turreau, what were the claims of the United States. (Hear!) Then said he, "America is partial to France." He (Mr. W.) said, this was not true, and he defied the right hon. gentleman to prove, out of any of the papers, the slightest charge of any attachment to France on the part of the American government. They were at issue on that point—how was it to be decided? By the production of the papers. He had been told also by the right hon. gentleman, that he was partial to America, and that he deserted the cause of his country. What! was his allegiance due to him or to any cabinet that he might patch up? Was that the country? Was the wretched administration which, since 1805, had watched only over the misfortunes of the people, to be called the country? Had the right hon. gentleman the presumption to say that he was the country?—Was he (Mr. W.) when arraigning the absurd, preposterous, and foolish measures the ministry adopted, to be told by the Chancellor of the Exchequer, starting up from his seat—"Here I am—I am the country—if you oppose me, you desert your country." (Hear, hear, hear!)—The parties of Charles the 1st and of James the 2d were called the country; the supporters of the American war were called the country: and the right hon. gentleman, taking up the thread of history, now exclaimed, "ministers are the country, and you desert your country's cause." This was to be said to him by a member of that administration, which, being originally formed upon a bad principle, was afterwards broken, then put together again, endured, and now as the House had that night been told, selected.—He would not be so imposed upon, however others might find it convenient; and he would maintain his right to state what was his opinion with regard to the conduct of foreign powers.—He thought that both by Great Britain and France America had been most grievously ill-treated; he scarcely knew by which the worse, but he knew

Digitized by Google

that France had the sooner repented. He was sorry to confess it, but it was unfortunately true, that the American people, as well as the government, after submitting from hard necessity to insult after insult, were strongly disposed to war, and his wish was, if possible, to avert it.—"Oh! impotent attempt!" exclaimed the right hon. gentleman. "Avert war by moving for papers!" He admitted that taken abstractedly, it was not likely to produce the effect, but if he had the good fortune to obtain the concurrence of enough of enlightened members who had read those documents, to carry his motion, he should at least shew to America, that notwithstanding the British minister for foreign affairs had so mis-conducted himself, and notwithstanding the instructions sent out to Mr. Foster, the House of Commons in its inquisitorial capacity called for papers, that they might be technically laid before it for their decision upon the conduct of ministers. It was true it might be a short step towards the hand of friendship, but it would be in advance, and it would not be continuing to recede to such a distance as would enable either party to draw the sword of war. On the American Bill, information respecting which had so recently been received in this country, an hon. gentleman had accused him of laying too great a stress. All that he had said was, that it afforded a slight opening for the possibility of conciliation. Great events sometimes occurred from little causes, and it was not impossible that France might take umbrage at the measure, and that conciliation on the part of Great Britain might improve the impression which that umbrage was calculated to make in America. But with respect to the present disposition and feelings of the American country, he had no hesitation in expressing his decided opinion that they were hostile to this country; and that, considered without the reference to which he had just alluded, the late measure still more strongly than any other manifested their inclination to war. The origin of the present system had been attributed to those with whom he had been in the habit of generally according in political opinion. But he disclaimed on the part of Mr. Fox—he disclaimed on the part of lord Howick and the administration connected with him, any share in the formation of the existing system. Their blockade was not a paper one, it was a blockade which the law of nations justified, and for which they did not issue orders until they had ascertained the possession of naval means by which it might be enforced. But that was not the enquiry of that night. If the documents which he called for were produced, he would undertake to show that the Americans did not insist on the revocation of the Orders in Council of 1806. Let America speak for herself on that subject—let not the House take the assertion of her claims from France, but from herself; and when she spoke, she would say that there was no declaration so preposterous as that cited against her from the mouth of the French minister. He confessed he had been much surprised to hear an hon. gentleman behind, of great learning and research and experience (Mr. H. Thornton), who, when the Orders in Council were first promulgated opposed them; now, that they were universally allowed to be ineffectual, say that possibly some good might have been derived from them, and that good should in the estimation of the country balance the evil which they had occasioned. The evil was unmixed. It was impossible to conceive a more preposterous demand than that made by Great Britain to America, that the latter should obtain from France a restoration of the state in which commerce existed before the Berlin and Milan decrees. To ask this was to ask an impossibility. The Americans might as well have been required to transfer their immense continent to another part of the globe. And this would be still more evident, when it was considered how much the fatal policy pursued by Great Britain in Europe had aggrandised the power of France since the enactment of those decrees. Could the right hon. gentleman for a moment believe, that America had it in her power to force the manufactures of England into any part of the continent? Or supposing that she could do so, what right had the British government to insist that she should? What would Great Britain say, if France should insist on an attempt upon the part of America to force the manufactures of France into England? The papers for which he had moved were divisible into two series; the correspondence between marquis Wellesley and Mr. Pinckney, and the correspondence between Mr. Monroe and Mr. Foster. Was the negociation with Mr. Pinckney allowed to be at an end? If so, what objection could there be to the production of

Digitized by Google

the first series? Even the production of that would wear somewhat of the appearance of conciliation towards America, as it would imply the wish of the House to consider the conduct of the Foreign minister to the American ambassador. Should the result be an opinion expressed by the House that lord Wellesley had misconducted himself on the occasion, would not that declaration be conciliatory towards America? If the reverse should be the judgment of the House, was it not fitting that lord Wellesley should be exculpated and the fact be proclaimed? In any case, the production of that particular correspondence could be productive of no evil, and might occasion much benefit; and he should, therefore, have no objection, if it were permitted him to do so by the usage of the House, to divide his motion, and to move two addresses, the first for the correspondence between lord Wellesley and Mr. Pinckney; and the second for the correspondence between Mr. Monroe and Mr. Foster; always guarding himself by this remark—that he wished for no paper that had not already been published by the American government. In the then state of the House, he would not press longer on their attention. He anticipated that his motion would be unsuccessful. This he should very much deplore. But he should have the consolation of having done his duty; and of having, on the eve of what he feared was an inevitable war with America, advised such measures to be adopted by the British House of Commons as would at least evince a conciliatory disposition on their part.

The House then divided;

For the motion.....23
Against it.....136
Majority.....—113

List of the Minority.

Aubrey, Sir J.	Horner, F.
Baring, Sir T.	Hurst, R.
Baring, A.	Maxwell, W.
Biddulph, R. M.	Moore, P.
Burdett, Sir F.	Morris, E.
Busk, W.	North, D.
Combe, H. C.	Scudamore, R.
Curwen, J. C.	Sharp, R.
Fremantle. W.	Whitbread, S.
Hamilton, lord A.	TELLERS.
Hibbert, G.	Creevey, T.
Herbert, W.	Smith, W.
Hutchinson, C. H.	

AMERICAN LOYALISTS' PETITION REFERRED TO A COMMITTEE.] Mr. *Lockhart* prefaced the motion of which he had given notice for referring the Petition of the suffering American Merchants [See p. 281.] to a committee, by a short history of their claims. The hon. gentleman stated that the Petitioners had, at a very distant period, debts to an immense amount due to them in America, for which, in consequence of an application on their part to the British government, and a remonstrance on the part of the British government to that of America, the American government consented, by an article in the Treaty of Commerce, to render themselves responsible. In 1784, four commissioners were appointed to investigate the nature of these debts, but after sitting ten years they were unable to make an award, as it always happened that when a point was pressed on the American commissioners, they retired, and would not return unless a promise were made them that that point should be abandoned. Again the creditors remonstrated; and in 1802, eight years after the termination of the commission, a convention was formed between the British and American governments, by which the former agreed to accept from the latter 600,000*l.* in lieu of all the debts for which America had before rendered herself responsible by treaty. He was instructed to state, that had the commissioners whom he had before mentioned, pursued their labours to a successful termination, they would in all probability have awarded two millions as the whole amount of that class of debts to which their investigation was directed. The creditors contended that they had a right to the full amount of their debts, guaranteed as they had been to them by the American government; and that if government, for good and sufficient reasons no doubt, thought proper to commute their claims, government was bound to make good the deficiency, and not to sacrifice their individual interest to the public advantage. There had been many cases (and the hon. gentleman instanced them) in which when the state gave up the rights of any of its citizens in its negociations with other states, it had afterwards felt itself bound to indemnify those citizens from the consequences of the surrender. But it might be asked, why had not the petitioners made an earlier application? The fact was, that in the 43d year of the King, a board of commissioners was appointed to enquire to whom the 600,000*l.* obtained from the American

Digitized by Google

government was to be distributed. After a very laborious investigation, the lapse of so many years rendering it difficult for many individuals to establish their claims, it appeared to this board that no less than 1,420,000*l.* was due to the class of creditors respecting whom it had been appointed to enquire. Of the loss of the difference between this sum and 600,000*l.* the petitioners complained, and this loss, they contended, ought to be made good to them by the country. — They had availed themselves of the first opportunity of submitting to the House their grievances, and he now moved for a Committee, not by any means to consider the justice of the claims of the petitioners, but simply to inquire into the facts, and to lay those facts upon the table of the House. He understood that it was not likely the motion would be opposed.

The *Chancellor of the Exchequer*, in agreeing to refer the petition to a committee, begged it to be distinctly understood, that his concurrence in the motion was not occasioned by any impression on his mind that the case of the claimants was such as to call on the House to discharge the debt originally due to them in the American States. He was influenced not to withhold the consent of the crown to such a committee by the considerations of the great extent of the case, and the importance of the circumstance to individuals. He apprehended, however, it would be found, that government having done all that it possibly could to enforce the claims of the petitioners on the American government, and having obtained all that it could for them from that government, without going to war on the subject, the petitioners would ultimately experience it to be impracticable to fix upon the country the obligation of paying them the difference between the sum actually received, and that which they alleged to be due.

Mr. *Baring* did not see the necessity of referring the petition to the committee, in order that the facts alone might be laid on the table of the House. The question might be argued on the facts, as stated in the hon. gentleman's speech.

The *Chancellor of the Exchequer* observed, that the individuals concerned were desirous rather that the facts should be reported by a committee of the House.

The motion was then agreed to and a Committee appointed.

HOUSE OF COMMONS.

Friday, February 14.

FUNDING EXCHEQUER BILLS.] The House having resolved itself into a Committee of Ways and Means;

The *Chancellor of the Exchequer* said, he had given notice yesterday of his intention to move in the committee a Resolution for funding Exchequer Bills in the Navy 5 per cents. It was not, he conceived, necessary to enter into any detailed view, and he should therefore proceed to state the terms to the House. The first proposition was, that for every 100*l.* of Exchequer bills dated between the 1st of March, 1811, and the 14th of February, 1812, funded in the Navy 5 per cents. the person so funding them, should receive 108*l.* in the 5 per cents. the interest on the bills to be paid up to the 9th of March, inclusive. The calculation was taken on the 7th of February, the day on which he first sent the notice to the city, at which period the 5 per cents. were at 94, which would give the acceptor 101*l.* 10*s.* 3*d.* for every 100*l.* funded, besides a bonus of the interest, up to the 9th of March, of 7*s.* 8*d.* on each 100*l.* making, on the whole, 1*l.* 17*s.* 11*d.* per cent. bonus. The 5 per cents. were consequently depressed in some measure since the proposition had been originally made. They were this day reduced to 93¼th, at which price the bonus experienced by the funding would be 17*s.* 7*d.* instead of 1*l.* 17*s.* 11*d.* which, however, he thought sufficient profit to induce the holders of Exchequer Bills to the amount of fourteen millions to fund. The state of the fund, as he had already observed, was not so favourable as at the time when the offer was made, but there were various contingent benefits to which the House might look on the following year, especially in the event of peace. It was his intention likewise to propose, that the amount of Exchequer Bills to be so funded should not exceed 14,000,000*l.* He hoped, notwithstanding the present depression, that no considerable disappointment would take place, and that if not the entire, a considerable proportion of that amount would be funded in the 5 per cents. He had reserved to himself, in case of failure, the power of creating 5 per cents. to meet the deficiency by the loan to be raised for the service of the present year. The right hon. gentleman concluded with moving the following Resolutions:

Digitized by Google

1. "That every person interested in or entitled unto any Exchequer Bill or Bills, dated between the 1st of March 1811 and the 14th of Feb. 1812, who shall carry the same to the office of the Paymasters of Exchequer Bills between the 22d and 29th of Feb. 1812, both inclusive, (unless a sum amounting to 14 millions sterling, principal money of the said Bills, shall be sooner subscribed), shall be paid the interest that shall become due thereon, respectively, to the 9th of March 1812, inclusive, and shall have, in exchange for such Bill or Bills, a certificate or certificates to the governor and company of the Bank of England, expressing the principal sum contained in such Bill or Bills, which certificate or certificates shall entitle such person or persons, for every 100*l.* principal money contained therein, to 108*l.* capital stock in annuities, after the rate of 5*l.* per cent. per ann., to be added to and made one joint stock with the 5*l.* per cent. annuities, created by acts made in the 24th, 25th, 34th, 35th, 36th, 37th, 48th, 49th, 50th, and 51st years of his present Majesty, and the interest to commence from the 5th of January 1812, which said annuities are to be redeemable at the same time, and in like manner, as the said annuities already established are now redeemable by parliament, and to be charged upon and made payable out of the consolidated fund of Great Britain.

2. "That the amount of Exchequer Bills which may be so exchanged shall not exceed, in the whole, the principal sum of 14 millions sterling."

Sir *T. Turton* said, he was quite at a loss to suppose how the right hon. gentleman could expect to add the sum of 14 million to a fund which must have experienced a great depression. He approved of the principle of dividing as much as possible the sums to be raised among the different funds. If the right hon. gentleman's object could be accomplished, he saw no objection to it, but he must put out of his calculation entirely, any advantages likely to result from a state of peace: to that state, however desirable, they must look with little hope, after the declaration of an eloquent statesman, that "war was now the element in which we must live and move." The consequence of the present proposition, he believed, would be, that the stock would become a heavy stock. But after all, he would ask, what a loan were they to expect this year? For this was but the commencement, the prelude to the grand drama to which we were still to look.

Mr. *Baring* admitted the *prima facie* policy of funding in a stock, of which the capital subscribed in the case of the stock being paid off, was not subject to any extraordinary variation. It was obvious, that the immediate difference in the two modes of funding was considerable. He was of opinion, however, that the market would not be able to meet so large an accession; and he believed that the previous knowledge of the right hon. gentleman's intention to fund in the 5 per cents. had contributed to their depression.

Mr. *H. Smith*, from all he could learn, did not think the right hon. gentleman would be able to fund the Exchequer Bills this year to the amount proposed, and therefore he thought it better not to attempt it. He was also apprehensive that the system might be carried too far.

The *Chancellor of the Exchequer* said, there was hardly an argument resorted to by the hon. baronet, on the present occasion, which he did not urge against the proposition of the former year. He appeared to think that there was some difference between the notices of both years to the city, but he would state that, in point of fact, there was none. It was true, there was a greater depreciation in the present, but the excess proposed above the former did not amount to more than 2,000,000*l.* The hon. baronet might say that he did not succeed in his proposition last year. It was true he did not obtain the entire sum immediately, but he made up the deficiency only by enlarging the time. The hon. gentleman who spoke next, gave reason to suppose that the calculation had varied since the valuation was made; but he believed, that since the offer went into the city, no diminution had taken place in the value of Exchequer Bills. The other hon. gentleman feared that the principle might be carried too far. He allowed that it might; but the question was, whether it was so in this instance? It would be found, that if the 5 per cents. were depressed, the 3 per cents. were depressed also, and that the 5 per cents. had kept up their relative value, notwithstanding the operation of the sinking fund on the 3 per cents. which never operated on the 5 per cents. The fair and competent way to compare them, he thought, was to take them at a period before the present measure was in contemplation, in which case they would find that his statement

Digitized by Google

was correct, and that the present comparative state of those funds afforded no ground for assuming that the measure was carried to an extreme. His impression was, that it was doing material service to the general state of the fund, to divide the loan into different parts and different periods. It was giving encouragement to those who funded Exchequer Bills, and encreasing the credit of those Bills themselves. It was natural to wish that the field should be extended as much as possible, and in that view he was sure the House and the country agreed. He was confident that this plan held forth greater advantage to the holder of Exchequer Bills than he could obtain by disposing of them in any other way. He had never stated positively that the whole would be obtained, but he hoped it would, and if not, at least he expected that it would be realized to a great extent.

The Resolutions were then agreed to.

FRAME BREAKING AND NOTTINGHAM PEACE BILLS.] Mr. Secretary *Ryder* rose and said, that he felt great pain in the discharge of the important duty which imposed upon him the necessity of adverting to those transactions which had taken place in some of the counties of England, and which, in their nature, were so disgraceful to the country, and so injurious to the best interests of those places where such enormities had been perpetrated. But while he deeply lamented the occurrence of these acts of lawless violence, he had the satisfaction to state to the House that the disturbances had been gradually diminishing; and, for more than a week, had altogether subsided. But though this favourable change had taken place, it was under circumstances which left reason to apprehend that that disposition might again manifest itself in fresh acts of violence. He had, therefore, felt it his duty to consult with those gentlemen, whose local knowledge gave them the best means of ascertaining the real nature and extent of the evil, and it was in consequence of those communications, that he now came forward to propose a remedy. The enormities which had been committed in Nottingham and the adjacent counties, were so well known to the House and to every man in the country, that it would be unnecessary for him to trouble them with the disgusting recital: it was notorious that houses had been broken open, and machinery of different kinds destroyed, and that a system of riot had existed for the last 3 months, a system bordering almost on insurrection, which called for the active interference of government. The first intelligence received by government of those transactions was on the 14th of November, and it was stated that they were of a nature and extent to justify the high sheriff of the county in calling out the military to his assistance; and an application was made to that effect. On that day a squadron of dragoons, from a great distance, was ordered to march to Nottingham, and information was afterwards received which gave hopes of the restoration of tranquillity, as the military had done their duty, and the militia had conducted themselves well.—About the beginning of December, the riots assumed a more alarming appearance; and by the information received from the lord lieutenant of Nottingham, it was feared by government that they were likely to extend to the counties of Leicester and Derby. Between the 14th of November and the 9th of December, no less than 900 cavalry and 1,000 infantry were sent into Nottingham, which was a larger force than had ever been found necessary in any period of our history to be employed in the quelling of any local disturbance. Towards the latter end of December, the heat of the riots seemed to be a little abated, but unfortunately, on the 8th of January, those promising appearances terminated; two additional regiments were sent to that district; nor was any application for military aid refused; on the contrary, it was granted on the very same day. But the attention of government was not confined to this single mode of assistance; for they had received depositions from several active and meritorious individuals, who requested that the opinion of the law officers of the crown might be taken relative to appointing a Special Commission. In consequence of this, the Attorney and Solicitor-General were both consulted as to the probable advantage of such a step, as soon as a sufficient number of individuals should be apprehended. In the mean time, the necessity of exerting all the means of local knowledge and experience was impressed on the magistrates and gentlemen. Mr. Conant, and another intelligent magistrate, were also dispatched to Nottingham, to ascertain the best way of proceeding, and to procure all the information in their power. On the 18th December, another measure was

Digitized by Google

resorted to—that of the Proclamation of a reward for the discovery of the offenders; a measure certainly of doubtful policy; so much so, that it had never been resorted to since 1776; but he was confident that the House would feel that it was warranted by the urgency of the case. This was the statement of what had taken place since the commencement of these unfortunate transactions, which he had not gone into with a view to refute any charge against the government of the country for the line of conduct adopted by them, but from motives of respect to the House, when he was calling for a new legislative measure. It was necessary that it should be shewn that all ordinary measures had been insufficient, and that every means had been resorted to, before an application to parliament was made. These were the only reasons for the detail with which he had troubled the House; but, having done so, he would confidently appeal to those persons who knew all the circumstances, to confirm, by their testimony, that no application had been neglected, which was made to government, from the commencement of those disturbances. The House would feel a satisfaction in knowing that they were not connected with any circumstances beyond the disputes of the masters and journeymen. They were not perhaps, aware, that the machinery, which had been destroyed, did not belong to the houses in which they were, but were either hired by the masters to the operative manufacturers, or were the property of a middle class, who vested their capitals in the purchase of frames which they hired. The consequence had been, that those persons to whom the frames belonged, had been most active accomplices in their destruction, and they had a direct interest in preventing the discovery of the delinquents, which accounted for the difficulty that had existed in apprehending any of the rioters, notwithstanding the active and vigilant measures which had been taken. The depredations had been carried on with a greater degree of secrecy and management than had ever been known in any similar proceedings; so much so, that the magistrates could not take upon themselves to apprehend the persons whom they suspected of having committed the outrages. It was peculiarly easy for parties, who were ill-disposed, to perpetrate those illegal acts; for, in many instances, the machinery was used in isolated houses, which were far from any neighbourhood, and persons having secreted themselves about the premises, felt no difficulty in destroying the frames, which could be performed with very little noise. In one instance, the mischief had been done actually in sight of the military; and, in another, they were not more than one hundred yards from the premises. The rioters had also occasionally gone to the villages, in bodies of about fifty men, and, having stationed centinels at the different avenues, the remainder employed themselves in destroying all the frames; and this was executed with so much secrecy, that not a trace of the parties was left in the course of a few minutes. Various causes had been assigned for these outrages.—With respect to the disputes between the masters and journeymen, he should at present say nothing, as it could answer no good purpose. As far as his information went, the evil originated in the great increase of trade, which took place in the county of Nottingham, four years ago, in consequence of the southern parts of South America being opened to British commerce. At that time all the hands and machinery which could be procured were employed, and a number of independant frames were set on foot, by persons who had no direct interest in the manufacture, who was sure of letting them out, as he had before stated. About two years afterwards, this market began to fail; and of course the manufacturers discharged a number of the persons employed by them, which created discontent and distress; and this had been since aggravated by the unfavourable situation of trade.—Still these circumstances, however deplorable, could not justify the measures pursued by the rioters; which could only tend to draw down ruin themselves and families; and, if permitted to be persisted in, must prevent them from procuring that employment, the want of which was held out as their greatest grievance.—The question then was, whether it was not proper that some legislative enactment should be resorted to, to endeavour to check those disturbances? The House must know, that by the 28th of the King, c. 55, the breaking of frames was made a minor felony, punishable with transportation for 14 years. That enactment had proved completely insufficient to deter from the commission of the offence which it was meant to guard against; and it was his intention to propose, that the offence should now be made capital.—In submit-

Digitized by Google

ting this proposition to the House, he felt it his duty to say, that he was by no means a friend to the increase of capital punishments. However he might differ on other points from an hon. and learned friend (sir S. Romilly) whom he did not then see in his place, he certainly deprecated with him an unnecessary extension of capital punishments. Before he would resort to such a severe measure, he must see a strong and well authenticated case made out; but when he contemplated the immense body of property involved in destruction—when he considered the great expense incurred in procuring machinery, and the risk it ran from these disputes—when also he looked at the extraordinary temptation bad men had to indulge the basest of motives, those of malice and revenge, by the easy destruction of frames; he thought, if any case could call for a capital punishment, it was such a one as he had described. He did not rest the necessity of the measure on the frequency of the offence, or on the difficulty of detection—that would carry the House too far. But the ground on which he proposed the Bill, was this, that if the offence were permitted to be perpetrated as it had been, it would threaten serious danger to the state. The present situation of the scene of those illegal proceedings, was exactly such as came within the definition of the best ancient lawyers, when speaking of a state of things which called for severe punishment. And here he begged leave to read the opinion of sir Matthew Hale on this subject, and the House would be enabled to judge whether it applied to the present circumstances.—That great lawyer observed, "where offences grow enormous, frequent, and dangerous to a state, where they threaten to become destructive of society, and are likely to produce ruin among the inhabitants of a place, severe punishments, and even death itself, is sometimes necessary, for the safety of the country." Now, the disputes which existed in Nottingham, where near 1,000 frames had been broken, and an immense quantity of property had been destroyed, were actually subversive of the public peace, and constituted that state of things which called for legislative interference. He knew it might be alleged against the proposition, that the difficulty of detection would remain, or perhaps be increased by increasing the severity of the punishment; but, in his opinion, when a party reflected whether it was worth his while to run the risk of losing his life in gratifying his feelings of hatred or resentment, he would find it a consideration paramount to every other—and would be deterred, by the fear of death, from pursuing such illegal courses, when the dread of transportation would not prevail. He conceived he had stated enough to support the first measure, and he would therefore proceed to the second. His object, in that Bill, was to enable the lord lieutenant of the county, the sheriff, or five justices, when disturbances existed, to call a meeting, and to give immediate notice, in the newspapers and on the church doors, in the usual manner, that a special meeting would be held, for the purpose of obtaining lists of all the male inhabitants of the county, above the age of 21, in order to select from them such number of constables as they shall think necessary, and by that means to establish a watch and ward throughout the county, or such districts as might be considered in a turbulent state, and that the magistrates should be empowered to defray the expence. He might be told, that part of this plan was law already: he knew it was; but it was law which had fallen into disuse; and a portion of the provisions of the present Bill was introduced for the purpose of acccommodating the old law to the present times. When he stated that he was sanguine in his expectations of the most advantageous results from this measure, he must add, that he had received his information from those whose local knowledge and experience were much greater than his, and on whom he placed the utmost confidence. He had only this much more to say, that if the Bill should have the effect of introducing the system of watch and ward, it would be most beneficial in a county situated as Nottingham had been; and, if it had been resorted to much sooner, would, he felt convinced, have prevented the disturbances from arriving at the height they unfortunately had done. The right hon. Secretary concluded by moving, "That leave be given to bring in a Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other machines or engines used in the Frame-work knitted manufactory, or any articles or goods in such frames or machines:"

Colonel *Eyre*, (member for Nottinghamshire) rose to second the motion. However unwilling, on other occasions, to increase the criminal code of the country,

Digitized by Google

he must certainly agree in the necessity of the present measure. Many enlightened persons, who were intimately acquainted with the state of the county of Nottingham, considered a Bill of this description as the most efficacious means of quieting the disturbances. When those deluded men, the frame breakers, were employed in destroying the machinery, they little thought that they were depriving themselves of the means of earning a livelihood. He was no less favourable to the second measure, which he conceived to be the best method of preserving the peace of the county, and, being carried into effect, would operate beneficially for the country in general. He would not, after the statement of the right hon. gentleman, enter into a detailed view of the subject; but he must express his concurrence in the statement of the right hon. gentleman, that during the whole period of the riots, the magistrates had displayed a praise-worthy activity, which was met with equal zeal on the part of government, who had given every assistance that was demanded. No blame whatever could be attached to them; they had afforded all the military aid which was called for, or could be required, as well as the advice of the most experienced police officers. But the rioters had carried on their proceedings with so much caution and secrecy, that no discovery could be made; and, if they were detected at all, it must be absolutely in the fact; no other means of prevention could be adopted. Those who could give information, were deterred from coming forward as witnesses, by threatening letters. In such a state of things, government would have been almost justified in resorting to martial law, if such a remedy would not have been worse than the disease. They would not adopt such a proceeding; and he thought the people ought to support government in a Bill which would enable them to preserve their property.

Mr. *J. Smith*, (member for Nottingham,) observed that the statement of the riotous situation of the county of Nottingham was unfortunately too true; and it was no less true, that the spirit of insubordination had threatened the safety of the neighbouring counties. The right hon. gentleman had said, that the disputes between the manufacturers and their employers was the cause of those riots. Now, in his opinion, the real and primary cause was the great decay of trade, which affected a branch of manufacture highly important to the country—the workmen employed in which received very moderate wages. The state of trade was such, that, in Nottingham, this manufacture was exceedingly impaired; and, probably that might be owing, in no small degree, to those mischievous speculations to which the right hon. gentleman had alluded, and which he could not sufficiently condemn. But, there was another cause that tended to those disturbances, namely, the custom pursued by some manufacturers of paying their workmen in goods, instead of cash. It was true, they could be punished for this; but the penalty, probably, was not commensurate with the advantage. He had heard of workmen being paid in linen-drapery, in shoes, in provisions. These things were always charged beyond their real value; and thus, instead of receiving twenty shillings per week, the workmen in consequence had probable five shillings less. Altogether, he was sorry to declare to the House, that he never witnessed so much misery as when he was last in Nottingham. Another source of dispute was to be found in the mode which many masters adopted in measuring the work. The operative individual was frequently oppressed by some masters in this respect.—It was a question, therefore, not undeserving of inquiry, whether this misconduct of the masters was not, in a great measure, the cause of the discontents of the workmen. But while he made these charges against some of the masters, he was aware that there were many of them who never condescended to any such practices. He agreed with the right hon. Secretary, in thinking that the mischief was really dreadful; but yet he was extremely unwilling that the punishment of death should be resorted to, because he was afraid that such a punishment would, instead of promoting, contribute very much to retard conviction. Something, however, he was willing to allow must be done; and if terror would put down the mischief, he was ready to support it.—There was another point he wished to advert to. There was no law existing against the destruction of lace frames, a branch of manufacture of as much consequence, he believed, as the manufacture of stockings. On this subject he might be mistaken, but he believed there was no such law existing.—He thought the right hon. Secretary had shewn, throughout the whole of this business, a degree of zeal, perseverance, and talent, which could not

Digitized by Google

be sufficiently admired.—With respect to the other measure, he would not say much, as it was not necessary in Nottingham. The magistrates of Nottingham had from the beginning conducted themselves with a vigour, which he could wish to see every where imitated. They had divided the respectable inhabitants into detachments of fifties, who were ready at all times, day and night, when requisite; and such had been the good effects of these efforts, that in a town of 40,000 inhabitants, containing more misery than he had ever before seen, the magistrates had hitherto been able to preserve the public peace, with a very few exceptions, which no mortal vigilance could have prevented. The town of Nottingham had therefore gone beyond the measure of the right hon. Secretary.

Mr. *C. W. Wynn* thought the House ought to have some ground before them to justify their interference, something that should appear on their books. A local bill might be brought in, preceded by a petition from the magistrates, or a committee might be appointed to inquire into the circumstances of the case, which, he conceived, would be rather a better method of proceeding. Great advantages were likely to result from the inquiries of a committee up stairs: it would shew those misguided men that the eye of the legislature was upon them, and it would show posterity the grounds on which the House had acted. What had the right hon. Secretary brought forward to justify the infliction of death? Did he state that this act of the 28th of the King, had been put in force, and found unavailing? Had any convictions taken place under that act? However averse he was to punish with death, if transportation were found insufficient, it would be necessary to have recourse to the severer punishment. If any body of men chose to array themselves against the public peace, they must by all means be put down; but it was indispensible to see first, whether the existing laws were or were not sufficient. It was well known, that in general, capital punishments were not much calculated to promote convictions. Juries were always averse to convict capitally, and witnesses averse to give evidence. He thought, therefore, that the right hon. Secretary ought to come forward with some cases of convictions under the act of the 28th of the King.

Mr. *Frankland*, in rising, adverted to an expression which had fallen from an hon. and learned gentleman (sir S. Romilly) on a former evening, when moving for the repeal of the act of the 39th of Elizabeth, by which soldiers and sailors, found begging, were subjected to death. The hon. and learned gentleman had said, that the legislature was disgraced by this act. In consequence of this assertion, he had had the curiosity to examine who were on the committee that prepared the Bill, and there among other great names, he found those of sir Walter Raleigh and sir Francis Bacon: he found, too, that the act was called for by the necessity of the times. The soldiers and sailors who were disbanded committing great depredations, two committees were formed, one to see what could be done to relieve them, the other to produce the Bill complained of, which, in fact, was no more than a proclamation, desiring them to disperse within a given time—and certainly he saw no disgrace in the measure. It was a hard necessity on parliament to be compelled to legislate in such cases, and to enact severe punishments; but whatever might be the tenderness of feeling that every member must necessarily have on such a subject, he was at the same time bound to discharge his duty with firmness. When enormous crimes were committed, and the physical strength of the populace opposed to the magistracy, all the laws of the land were set at defiance. The present evil did not consist in breaking a piece of machinery; and the law proposed, was not merely to protect individual property, but proceeded on a broader principle. When the disturbances took place in the woollen, the silk, and the cotton trades, laws were made enacting the offences felony, without benefit of clergy, and there was no reason why a similar security should not be afforded to the subject in the present instance.

Mr. *Leigh Keck* took upon himself to assert, that in some instances the military employed to deter the rioters had been attacked by persons provided with arms, and that it often happened that the depredators effected their purpose of destroying frames by the use of offensive weapons. If any thing could supersede the necessity of inquiry, and show the danger of delay, it would be such a statement. The origin of the late outrages certainly was the decay of trade, and as the distress not only affected the district round Nottingham, but was extended into

Digitized by Google

Leicestershire, he was of opinion that the Bill should have a more general operation. He was firmly convinced, not only of the necessity, but of the immediate necessity of some strong measure to produce and secure the public tranquillity.

Mr. *Sheridan* observed, that he should be extremely sorry if the inhabitants of the district in question, should be, as it were, taken out of the King's protection by this Bill, without serious antecedent examination of the necessity of making the offence capital. According to his apprehension, the arguments of his hon. friend (Mr. Frankland) tended to a very different conclusion from that to which he had arrived. When his hon. friend had quoted the high authority of sir Walter Raleigh and sir Francis Bacon upon this subject, he took it for granted at first, that his hon. friend meant the House to follow the example in which they took a part: for his hon. friend had stated, that the Bill then passed was introduced after the report of a Committee of Enquiry. Parliament, it therefore appeared, did not then think it right to extend the penal code without an enquiry into the necessity of doing so: and surely parliament ought to be as cautious now; particularly when a proposition was made to apply capital punishment to a particular district. According to his hon. friend's arguments, the House should follow the precedent in Elizabeth; and though they could not expect such distinguished names and high authority on their committee, there was little doubt that they could find many respectable well-informed gentlemen to sit in it. Another hon. member had said, "Is not the necessity sufficiently known?" Perhaps it might: but assertions of necessity made in parliamentary speeches went for nothing. When parliament made a strong law, the report of a Committee of Enquiry into the subject of it, would shew its justification, which never could be done by any member rising in that House, and saying "I know this, and I know that." But the hon. gent. had said, that the time pressed; if so, he desired to know why such delay had occurred? Why had not the magistrates applied sooner? Why had the Secretary of State for the Home Department been asleep all this while? Time enough had elapsed to propose the measure long before now: the House might have been put into possession of all the facts, and have proceeded in the application of a suitable remedy. He could not avoid viewing the way in which this measure was supported by gentlemen in a serious light. One proposed it for Nottingham and its immediate vicinity; another said it should be more comprehensive in its operation and extend to Leicestershire; a third proposed to make its operation general, which would be, in fact, a material alteration in the whole police of the country, without enquiry into its necessity. He could not apprehend any alarming dangers from the more satisfactory mode of proceeding by the appointment in the first instance, of a committee to report to the House on the facts and circumstances of the case. All the delay that was likely to occur, need not amount to more than three or four days at most; for he must suppose that there was no want of persons in the metropolis at the present moment, capable of giving to the committee sufficient information. The report of such a committee would be the best and the recorded justification of the Bill when enacted; and would shew to all the country the reasons and grounds on which parliament had proceeded in increasing the severities of the penal laws. If the mischief was so immediately pressing as it had been stated to be, and the passing of the Bill, without enquiry, indispensable, that brought him back to his former assertion, that great blame must certainly attach somewhere, or they would not be thus forced to the adoption of a severe remedy, in a manner suited neither to the honour nor to the character of parliament.

Mr. *Henry Martin* perfectly agreed with the right hon. gentleman who spoke last. He had a knowledge of Nottingham in his capacity of a magistrate, and would say, that if the same activity had been shewn by the county magistrates, as had been evinced by those of the county of the town of Nottingham, there would have been no necessity for this Bill. During the last month not a single outrage had been committed within that district known as the town and county of the town of Nottingham. He hoped in future to see a fuller attendance of members in the House on discussions upon this subject; that the stigma thrown upon the House by the late Mr. Burke, that there was no better mode of ensuring a thin attendance of members than a proposition to enact new capital punishments, might be wiped away. The riots originated in extreme distress. He did not say this as a justification of them, very far from it; but as a reason why they

Digitized by Google

ought to consider what other mode of punishment than that proposed might coerce the disturbers. The right hon. Secretary must have been apprised of the situation of the persons who had mistakenly supposed that their wages were about to be curtailed. Many frames had been broken of considerable value, which it was out of the power of the magistrates to prevent; but there was no general disposition in the inhabitants to assist the rioters. He was sure that vigilance might have prevented the continuance of the mischief. Thinking so, he saw nothing to require this new punishment, and strongly recommended the previous appointment of a committee to enquire into its necessity.

Colonel *Eyre*, in explanation, observed that the outrages were committed sometimes at a distance of thirty miles from the town of Nottingham.

Mr. *Babington*, living in the district complained of, and representing a borough carrying on a manufacture similar to that of Nottingham, felt it necessary to say a few words. He impressed upon the House the importance of a committee, that posterity might know with what due deliberation the House had proceeded, before it determined on taking away the lives of any of the subjects of the crown. He recommended that the first Bill proposed should be only temporary; (hear, hear!) and that the second which went to introduce the excellent system of watch and ward, so great a favourite with their forefathers, should be made to apply generally to the united kingdom. It might be wanted at Leicester as well as at Nottingham; indeed, during the disturbances, information was received that emissaries had been sent from the latter to the former town.

The *Chancellor of the Exchequer* replied to most of the objections urged against the present measure. As for the extension of the provisions in the Bills to other districts, that might, if necessary, be made an instruction when the House came into a committee, which time would also be more convenient, from their having the Bills printed. With regard to what seemed to have created the greatest difference of opinion, namely, that a previous committee ought to have been appointed on the Report, from which they should found the necessary measures, he could not see that such a step was at all called for by the circumstances of the case. If the House had heard that any doubt was entertained as to the existence of the evils respecting which they were proceeding to legislate, if their nature, quality, and effect were at all misunderstood, then indeed they might be desirous to have previous investigation. But as the reverse was agreed on all hands, he could not see any good which could be derived from the report of a committee. It had been told them by the hon. gentleman who had last spoken, that they ought to resort to this step, as they were legislating for posterity: but he concurred in the opinion, that the measures now adopted ought to be only temporary, and that therefore their main duty was, in the first instance, to take care of themselves. A right hon. gentleman, (Mr. Sheridan), seemed to congratulate himself that he had got ministers in a dilemma, for he said—"If expedition is now so necessary, how can ministers defend themselves for not having introduced these measures sooner?" It was because they had adopted other measures, approved by the best-informed on the subject, which they had hoped would be effectual in beating down the evil, and during the trial of which it would have been absurd to bring other views of the subject before parliament. Without meaning any disrespect to the honourable names of sir Walter Raleigh and sir F. Bacon, with so much meritorious industry brought forward by his hon. friend (Mr. Frankland), as an example to be followed in the formation of a committee, before enacting any new capital punishment, he could not agree that the same course was called for in the present day, when the House enjoyed so many more sources of information and communication with the country, than it had in the time of queen Elizabeth. But this had not been the uniform practice of the House, as appeared from what they did on the occasion of the capital enactments respecting the woollen manufactures, in the reign of Charles 2, and silk machinery, in the 6th year of George 3. The Bill was objected to on the ground that the offence, being made capital, would throw difficulties in the way of ascertaining and discovering offenders. He was of a contrary opinion: and though this principle of argument might apply to cases where individual property alone was concerned, he did not think it could apply to a case like that for which they were devising a remedy, where there appeared on the part of the offenders to be a manifest disposition to oppose the

Digitized by Google

law. On the other hand, he conceived great benefit would arise from making the offence capital. The notoriety of the fact, that parliament had taken up the subject with so much solemnity, would operate on the minds and senses of persons who were acting so improperly under the delusions of more designing individuals. This would be the greatest operation of this part of the Bill. But even the terror of the increased punishment would have its effect in deterring from crime, and there could be no apprehension of its diminishing the facility of obtaining evidence, as the lighter mode had been tried, and found inefficacious. The mode of prevention operated in a mixed ratio of the means of detection and the severity of punishment. The hon. member for Nottingham (Mr. Smith), had expressed his doubts upon the second Bill, which he said was unnecessary in Nottingham, from the excellent dispositions made, and vigilance maintained by the magistrates there; but did not this fact shew exactly the reverse of what he was contending for, namely, the necessity for this Bill, that the same admirable order might be preserved in a more extended district, where from deficient population the same efficient course could not be pursued without the aid of the legislature? One hon. gentleman was of opinion, that the partial payment of these men by their employers in goods, was improper. It might be so, but he thought that the master and his workmen, in making their agreement, were the best judges of their own interests, and that it would be highly impolitic in the House to interfere, since the effect of fixing the mode of payment, would frequently be the rendering it impossible for many of the employers to pay their men at all. This mode of dealing had existed not only at Nottingham but in other places beyond the memory of the most experienced, and any interference might be attended with the most dangerous consequences. He was glad to observe that the general sense of the House was not in opposition to the Bill, the second reading of which would present a better opportunity of discussing its provisions. In the present stage of the measure he had thought it sufficient to make these cursory observations. No advantage, he repeated, could be derived from a committee investigating the causes of the disturbances. Suppose they arose from a decay of trade, —and there was too much reason for that supposition,—what then?—Could a committee open the continent and send the goods as formerly to the foreign European markets? If a committee could do that, there would be, indeed, some reason for its appointment. But from whatever cause the riots arose, would any body deny the necessity of putting them down? On the whole, he could see no advantage likely to result from an enquiry.

Mr. *Whitbread* wished that there was a standing order of the House that no enactment which involved capital punishment, should be made without previous inquiries by a committee as to the necessity of such enactment. With regard to the infliction of the punishment of death, so far from its operating as a check upon crimes, he maintained that it had rather increased than diminished them. It had been observed by the hon. member for Nottingham, that the disturbers went about armed; but it was to be remembered, that the penalty of death now proposed to be inflicted, was for breaking frames, and not for using arms. He regretted that distress should have driven them to such acts, but the question for the House to consider was, whether the punishment provided by the present Bill would prevent the repetition of such excesses. Would the facilities of conviction be increased by it? Certainly not. Was there any occasion for haste in passing the Bill? Certainly not. He repeated his wish, therefore, that a committee should be appointed, in order that no penal enactment should pass without such solemnity and such inquiry, as might leave recorded evidence of the grounds upon which Parliament had acted. Might it not otherwise be thought, as it was generally thought by all who had written upon the criminal code of this country, that we inflicted the penalty of death too slightly? If a committee were to be proposed, he should certainly vote for its appointment. The right hon. the Chancellor of the Exchequer had laid great stress on this being only meant as a temporary act, but the House ought to proceed with caution. The statute of the 39th of Elizabeth, relative to soldiers and sailors begging in the streets, which had so lately been brought under the notice of the House, was at first only a temporary law; but it was from time to time continued, and at length became perpetual, to the disgrace of the statute book. He could not divest himself of the opinion that a committee ought to precede the enactment of death. He was

Digitized by Google

not inclined to oppose the first reading of the Bill, but would caution the House to use due deliberation. He believed he was the first person who had called the attention of the House to these riots, and on that occasion he expressed something like a doubt whether the Secretary of State for the Home Department had done his duty: he was happy however now to add, that from inquiries which he had made, he was convinced that the right hon. gentleman had done his duty in a most exemplary manner: and this was the opinion of all who had opportunities of knowing the fact. The magistrates of the town of Nottingham had also done their duty, in a manner no less exemplary: and what was the consequence? The evil had been cured. No frames had been broken in that town for the last month; and there was every reason to believe, that if no legal enactment were to take place, no more frames would be destroyed. With regard to the country, however, there might be reasons for the adoption of a different system. He by no means disapproved of the system of watch and ward, but the House should recollect that they were now about to legislate for a temporary evil, and that every act of legislation done in a hurry generally left a lasting disgrace on those who passed it. He begged, therefore, for delay, and hoped that after the first reading a committee would be appointed.

Mr. *Herbert*, before he could consent to add to the number of capital punishments, must be convinced that the existing laws were insufficient. Of this there was as yet no proof, as there had been no trial on the subject. An hon. member had stated, in the course of the evening, that the riots which had extended themselves to Leicestershire, had been suppressed by the activity of the magistrates. He wished the House to know why the magistrates of Nottinghamshire had failed in doing that which the magistrates of Leicestershire had so successfully accomplished. It was therefore his intention, unless some other hon. member would undertake the task, to move for the appointment of a Committee to investigate this subject.

The House then divided.

For the Motion 49
Against it 11
Majority ..... —38

List of the Minority.

Bennet, Hon. R. H.
Busk, W.
Burdett, Sir F.
Frankland, W.
Herbert, Hon. W.
Hamilton, Lord A.
Hume, W. H.
Hutchinson, C. H.
Martin, H.
Moore, P.
Sheridan, Rt. Hon. R.
Whitbread, S.
Wynn, C. W.

Mr. Secretary *Ryder* then moved, "That leave be given to bring in a Bill for the more effectual preservation of the peace within the county of Nottingham, and the town and county of the town of Nottingham."

Mr. *Wynn* wished more particularly to know why the county of Nottingham had been selected from the rest of the kingdom, for the exclusive operation of the proposed measure? If the Bill had been to provide for the better watch and ward of the whole island, it would have met with his hearty concurrence.

Colonel *Eyre* repeated the statements which he made in an earlier part of the evening, and added, that if the hon. gentleman had had personal observation of the state of Nottingham and its neighbourood, he would have felt the necessity of the intended measure.—Leave was accordingly granted, and the Bills brought in and read a first time.

Mr. *Herbert*, impressed with the necessity of putting the House in possession of all the circumstances of this important subject, proceeded to move, "That a committee be appointed to inquire into the late Riots in the county of Nottingham, and the neighbouring counties, and what further legal provisions, if any, are necessary for the suppression thereof, and also the steps which have been taken for the discovery of the offenders."

Mr. Secretary *Ryder* argued against the appointment of the committee, as wholly unnecessary. He was persuaded that the House would think that the general notoriety of the riots was a sufficient ground for parliamentary procedure, and he deprecated any delay in providing a remedy for the existing evil.

A division ensued:

For the committee 15
Against it 40
Majority ..... —25

List of the Minority.

Babington, T.
Bennet, H.
Busk, W.
Burdett, Sir F.
Frankland, W.
Hamilton, Lord A.
Herbert, W.
Hume, W. H.
Hutchinson, C. H.
Kemp, T.
Martin, H.
Moore, P.
Sinclair, G.
Sheridan, R. B.
Turton, Sir T.
Whitbread, S.
Wynn, C. W.

Digitized by Google

HOUSE OF LORDS.

Monday, February 17.

Offices in Reversion.] Earl *Grosvenor* said he took the first opportunity on his return to town, of calling their lordships' attention to a subject, which, whatever others might think, he considered to be of great importance. He lamented that a Bill prohibiting the granting of Offices in Reversion had been lost in the House of Commons, and he could not but consider the decision as an instance of great inconsistency. He was at a loss to conceive what arguments could have been urged to induce the rejection of such a measure. It surely could not heve been argued that it was of too trifling a nature to deserve the attention of the House, for if it were of a trifling nature, why not pass a measure so consolatory to the feelings of the people. It could not surely have been argued that the passing of it would have engendered a difference between the two Houses of Parliament, because that might easily have been got rid of by agreeing to a temporary bill, as in a former instance. But whatever might have been the arguments on which the rejection of such a Bill was founded, he could not but consider it as deeply to be lamented, inasmuch as the passing of the Bill would have been a first step towards the extinction of that system of corruption which unhappily prevailed; and would so far have gratified the just expectations of the people. The continuance of the practice of granting Offices in Reversion was greatly to be deprecated, pregnant as it was with every species of underhand transactions. It was probable, however, that a Bill would come before their lordships for suspending this practice for a limited time; and he trusted that if such were the case, the suspension would not be merely for a year, but for 20, 30, or even 50 years. If such should not be the object of the Bill, he gave notice that he should propose to extend the suspension for a considerable period, in order that they might not be called upon to consider it from year to year, merely as a temporary measure. If such a Bill did not come before their lordships within a reasonable time, he gave notice that it was his intention to propose a measure of that description.

Dispute with America.] Lord *Holland*, seeing a noble lord at the head of the foreign department, in his place, wished to ask of that noble lord, whether in the present state of the negociation with the United States of America, it would be improper to lay before the House such Papers, or at least that part of the correspondence which it was notorious had already met the public eye? He did not wish to make a motion for the correspondence in a negociation, unless it was the opinion of those who had the management of that negociation, that it would not be improper to communicate the correspondence, and he therefore wished to ascertain this fact, in order that he might give a short notice of a motion for such parts as it might not be deemed improper to communicate.

Marquis *Wellesley* said he had not received the commands of his royal highness the Prince Regent, to lay any of the Papers alluded to by the noble lord before the House. If the noble lord, however, would give notice of a day for a motion upon the subject, he should then be prepared to state distinctly to the House, whether or not it would be improper to communicate the correspondence moved for.

Lord *Holland* said he was afraid he had been misunderstood by the noble lord. What he wished, in order to ascertain whether he should give notice of a motion was, to know whether it would be improper to communicate any part of the correspondence. Without having any extraordinary confidence in ministers, a confidence so far would of course be conceded to them, namely, that they having the management of a negociation would be the best judges whether it was improper or not to communicate any part of the correspondence. It was with this view that he asked the question.

Marquis *Wellesley* repeated that he had no commands from his royal highness the Prince Regent to lay any of the correspondence before the House, but that if the noble lord gave notice of a day for his motion, he should then be prepared distinctly to state his opinion upon the subject.

HOUSE OF COMMONS.

Monday, February 17.

Frame Work Bill.] Mr. Secretary Ryder having moved the second reading of the Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other

Digitized by Google

machines or engines used in the Frame-work knitted manufactory, or any articles or goods in such Frames or Machines.

Mr. *Abercromby* declared, that in the present alarming situation of the county of Nottingham, he could have wished, instead of opposing, to have supported the measures of administration; but, after the most mature consideration, he felt it altogether impossible to concur in voting for this Bill. Every body felt the danger of a numerous body of men leagued together in active opposition to the laws of the country, and who had hitherto defeated both the civil and the military power. This danger was the more alarming from the connection between the county of Nottingham and other manufacturing districts of the country. But however strongly he, in common with others, felt this danger, he could not concur in the present Bill, without violating a most important principle in penal legislature—a principle which he had already had the good fortune more than once to join with a majority of the House in sanctioning. The mildest character of the present Bill was, that it would be ineffectual. They had been told that the riots had continued many months; that the local police had been aided by the efforts of the London police; that rewards had been offered for conviction; but that all the efforts of the civil power, joined to the allurements of profit, and the assistance of a military force, had been found completely ineffectual; and that with all this powerful array, not a single conviction had taken place under the existing law, which sentenced all frame-breakers to transportation for 14 years. Now, if the House had been told that any individuals had been convicted, and punished with transportation, but that from the slightness of the punishment, the motives of the unfortunate persons had been found stronger than the dread of conviction, then he could conceive it might be proper to call upon the House for measures of greater severity. No such information, however, had been communicated to the House, and it was merely the state of impunity which they were called on to redress. The right hon. Secretary of State proposed for this purpose to make the offence capital. But how could this operate on persons in the situation of the unfortunate persons in question, among whom there had already been found to prevail such an uncommon degree of union, concert, and good faith, if he might be allowed the expression, to one another, that not one of them had even yet been detected. If impunity was an evil, the effect of this severe penalty would only be to afford a greater security against any chance of punishment, because it would afford the rioters an additional motive for adhering closely together.—The hon. and learned gentleman then went into some illustrations respecting the different probabilities of conviction under pain of death and transportation, and concluded, that the former merely decreased the chance of it. The members for the county had not expressed any warm approbation of the measure of the right hon. Secretary; but they wished, they said, to agree to any measure which might have a chance of restoring tranquillity. But he would ask those gentlemen, how they could support a measure which would have the direct contrary effect to what they wished? After the body of information possessed by ministers on this subject, he thought the present Bill displayed a great poverty of invention. The distressed state of the country ought to make a deep impression on the House, and induce them to reconsider those measures which had plunged us into this dreadful situation. There were some effects arising from the decay of trade, which it was yet in the power of parliament to controul; and they might be assured, that while the cause of the evil remained in full force, all the remedies which they might apply would be found as unavailing as the prescriptions of a physician, directed merely to remove the outward symptoms of a disease, instead of communicating health and vigour to the whole system.

Mr. *Orde* had no hesitation in declaring it to be his opinion, that the combination which existed among these misled people was so strong, that to break it effectually required measures of the utmost severity. He must support the Bill, on the ground that the terror of the punishment of death was indispensible on the present occasion.

Mr. *W. Herbert* regretted that the House had been denied all previous enquiry on a measure which would go to affect the lives of so many of our fellow-creatures. From all the partial information he had been able to collect, these disturbances owed their origin to two

Digitized by Google

causes,—the decrease of employment, and disputes between the workmen and their employers. There had been no proof, however, that the punishment of transportation was inadequate to prevent the offence; and in fact the only desideratum which the House had to attain, was the best means of discovering the persons engaged in these mischievous practices. To this the attention of parliament ought to be turned, and not to the addition of new capital punishments to the already too numerous list in our statute books. Adverting to the statement made by the right hon. Secretary on Friday last, that many of these frames were let out to workmen at so much per week, and that these workmen, in many instances, either connived at or co-operated with the frame-breakers, he proposed that some measure should be adopted for making the tenant responsible in law for the value of the frame, which would necessarily give him an interest in its preservation. Why was not some method of this sort resorted to, which would destroy the joint interest which the tenant too often had at present with the frame-breakers? He should have thought, also, that a Bill amercing the county of Nottingham in the value of the pecuniary damages sustained by individuals, would have had a good effect in repressing disorders, by producing a more general interest in their prevention. Upon the whole, he should oppose this Bill, as thinking that our long list of capital offences was already sufficiently disgraceful, and that many of the late atrocious crimes by which the country had been disgraced and alarmed, had originated in the frequency of such horrid spectacles.

Mr. *John Smith* wished to observe, that though the destruction of stocking frames was punishable with transportation, yet there was no such law at present to protect the lace-frames employed in one of the most elegant manufactures of this country. That defect, therefore, ought to be immediately supplied. It was his firm opinion that some measure ought forthwith to be resorted to: the state of the county, to his certain knowledge imperiously required it; and he must support the present Bill till he heard of some preferable measure. He believed that the great cause of all the excesses was the decay of trade; and he hoped, that in due time, that subject would be enquired into. But this was not the precise moment for such enquiry: the disturbance which at present existed must first be completely put down.

Mr. *Lockhart* was convinced that the anxiety not to increase the number of capital punishments, was not confined to the hon. gentleman opposite, but that it was generally prevalent in the House. This was a case, however, in which he thought that the enactment of capital punishment would have a beneficial effect, and would particularly operate to deter offenders, through the medium of the impression which the fear of it would make on the minds of their wives and families. The offences in question were, indeed, of the most serious nature, and approached most nearly to constructive levying of war, that was, to high treason. Lord Hale mentioned a case of breaking looms in London, which five out of the twelve judges declared to be actually constructive levying of war, or high treason. All lawyers must be acquainted with the case of Damaree and Purchase, in the reign of Anne, executed for entering into an association to destroy all Presbyterian meeting houses; the judges holding that the offence was constructive levying of war, or high treason. He should support the Bill; but he conceived that the offender ought to have some guards similar to those possessed by any one accused of high treason; and, therefore, when in the committee, he should propose the introduction of a clause giving the prisoner the benefit of one counsel.

Mr. *Herbert* (of Kerry) supported the motion. The situation of Nottingham he conceived to be somewhat like that of some counties in Ireland, when those counties were agitated by the White Boys. At that time capital penalties were enacted against those offenders; and the effect was such as might be anticipated from the operation of the present Bill. The law would not be like the laws of the Medes and Persians, irrevocable, but might be, and ought to be, repealed whenever the emergency should cease.

Mr. *Wrottesley* was of opinion, that the proposed measure would not have the effect expected from it. The greater the terror inspired by the act, the less he conceived would be the likelihood of detection. The preamble of the present Bill stated, that the 28th of the King had been ineffectual in putting a stop to the outrages complained of; but he would ask, where was the proof of the inefficacy of that

Digitized by Google

act? Not one prosecution had taken place under it. He had the authority of Blackstone for saying that no capital punishment should be resorted to until one of a more lenient kind had been tried and had failed.

Sir *S. Romilly* said, that there were two points on which the whole House had agreed:—one, that the punishment of death should never be recurred to, except in cases were all other species of punishment had been found ineffectual; the other, that an evil now existed to which a remedy ought to be applied as soon as possible. For his part, he was convinced that the remedy proposed was no remedy whatsoever; the evil would still continue to exist in spite of it. He confessed from whatever cause these disturbances proceeded,—whether from a spirit of malice against the master-manufacturers, or from the idea that the frames diminished human labour, and encroached on human industry,—that the existence of them was a monstrous evil. It was an evil, moreover, which had existed in the face of a law; and he could attribute its continuance only to two causes,—either to conspiracy to suppress evidence against offenders, or to supineness in the magistracy. It was folly to talk of the terror which would arise from converting the punishment of transportation for fourteen years, into the punishment of death. The terror of the one would always have an almost equal influence with the other on the human mind; and he would answer for it, that this terror would not tend to diminish the evil. It was evident, if the existence of the evil were to be attributed to a conspiracy to suppress evidence, that the terror of a greater punishment would tend the more to keep witnesses from coming forward. If, on the other hand, the magistrates had not made sufficient exertions under the existing statute, it was plain that the change of punishment would not make them more active. The great evil to be complained of was, that the law had been converted into a mere dead letter, that it had been made only a lifeless scarecrow, from which custom had removed even the terror that might originally have been felt on beholding it. If, indeed, the statute of the 28th of Geo. 3, had been duly enforced, and these iniquitous proceedings had been persevered in, in defiance of it, then there might be some plausible ground for the measure before the House. As the Bill had only been delivered since the meeting of the House, the gentlemen who had spoken on the contrary side, might not have had time to read it, or they would have seen that it was in no way calculated to remedy that which the whole nation so loudly exclaimed against. One hon. and learned gentleman (Mr. Lockhart) had said, that the Nottingham rioters were guilty of a crime little short of constructive treason. It was undoubtedly true, that a general combination to break all the frames might be so construed, and perhaps the late outrageous proceedings deserved a title little less severe; but on examining the Bill itself, it would be found that it was not at all calculated to operate against such conspirators. The four species of crime contemplated by the Bill were, first, entering houses by force, and destroying machines; second, entering houses by force, with intent to destroy them; third, wilfully and maliciously cutting in pieces machines; and the fourth, destroying any utensil, instrument, &c. belonging to the machinery. Would the House believe it, and yet it was true, that not one of those crimes partook of the dreadful nature of the evil complained of; and which evil was, as it was likened to high-treason, a conspiracy to destroy all frames? According to the present Bill, an idle apprentice, who, from a quarrel with his master, or any other cause, should break or destroy the machinery of his master, or the slightest utensil connected with it, might be capitally convicted under it. In fact, the Bill was totally directed against individual depredation, and not against the conspiracy which had given birth to the late disturbances. It required little skill, indeed, to construct an act far better for its purposes than that proposed by the right hon. gentleman. It did not even leave any thing to the humanity of a prosecutor; but in all cases compelled a prosecution.—Gentlemen on the other side no doubt thought that they were supporting a measure to secure the future tranquillity of Nottingham and the surrounding counties from these illegal combinations; but on looking at the wording of the Bill they would find themselves grievously disappointed, for the net, instead of being spread wide enough to secure all, could catch only a very few of the offenders. He, perhaps, would have recommended that offenders should not have been prosecuted, until it were clear that a combination existed, by several frames having been previously broken, or unless

Digitized by Google

three or four men in concert committed the act.—In every respect this measure was totally inadequate: it did little credit to the legislative skill of ministers, and if passed would be a disgrace to the proceedings of the House. It appeared that the right hon. Secretary had brought the Bill ready made in his pocket, before he obtained leave to bring it in; and he (sir S. R.) was confident that in after times it would astonish an English House of Commons to find, upon the inspection of the Journals, that in a case of life and death their predecessors had upon only a few minutes consideration adopted a measure of such extent and importance.—He recommended, before such a hasty step were taken, that some examination of the ground should be made, and that a committee should be appointed to make inquiry into a subject on which the House actually knew little or nothing. What hon. member, let his connections be what they might, could say that he knew the cause of these riots; whether they originated in malice on the part of the workmen against their masters for ill-treatment, or from a determination to destroy machinery, which lessened the proportion of manual labour? Whether any, and what combinations had been entered into, and what subscriptions had been raised to resist the efforts of the legislature? These were questions of great importance, and to proceed without information upon them would be highly unbecoming the dignity and wisdom of the House.

Mr. *Bathurst* thought, that after the long continuance of the outrages which had so much disgraced the country,—after they had so long braved the law, and had even been alluded to as a matter of exultation by the common enemy,—it was right that the government should adopt more efficient measures than had been hitherto resorted to. He regretted the mode of opposition which had been pursued against the Bill; and was particularly sorry for what had fallen from the hon. and learned gentleman who spoke last. As to any reproach on the executive for not being sufficiently active, he had merely to appeal to the testimony borne to their exertions by the hon. gentleman, the member for Nottingham. The real question was, not whether the existing law was adequate or not to the putting down of the disturbances, but whether the terror inspired by a heavier punishment would not more effectually answer that purpose. The measure proposed was founded on that principle of all criminal law, 'pœna ad paucos, metus ad omnes perveniat.' The threat or terror would have the effect of deterring the many, and the punishment would fall only on the few. It was a measure brought forward with a view not to punish, but to prevent the crime to which it referred; it had not for its object, as was supposed, the shedding of human blood, but to render the commission of this sort of offences less frequent. With respect to the preamble of the Bill, it certainly did not comprize the whole of the grounds for the adoption of the measure, nor did the Bill itself, as the hon. and learned gentleman imagined, provide merely for the punishment of idle or mischievous apprentices; it was intended to put a stop to the outrages. But if there were any objectionable passages in it, those passages might be obviated in the committee. The peace of the country would be cheaply purchased by the forfeiture of a few lives, in order to deter future outrages on the property of individuals, and the tranquillity of the state.

Mr. *C. W. Wynn* said, that the right hon. gentleman who spoke last had set out with a total misconception; for the question was not, as he had stated, whether the existing law was a sufficient remedy for the evil, but, whether the proposed new law was likely to be efficient? This he contended was not the case; for it signified little what punishment was enacted, if persons could not be found to give information against the offenders. The use of a committee would have been, that an inquiry might have been made into the alleged insufficiency of the existing law—into the fact of any conviction having taken place under it—into the necessity for a severer law—or into the causes why evidence had been held back. Measures might have been devised for the suppression or prevention of those outrages, rewards might have been offered, or severer enactments proposed against persons who deterred witnesses from coming forward; instead of which, the authors of this measure came forward, for fear it should be doubted that the executive had done something, without any assurance that they had reached the root of the evil—which was the only means of preventing or remedying it. On the night when this Bill was introduced, the right hon. the Chancellor of the Exche-

Digitized by Google

quer had asserted, that it had not been brought forward earlier, in the hope that the former statute of the 28th of the King, would be found effectual, without any new enactment, and that finding themselves disappointed, government had suggested, unwillingly, this measure. In this statement the right hon. gentleman was contradicted by the fact, since tranquillity had been restored, according to his own confession, several days before this Bill had been brought into the House.

Sir *Arthur Piggott* said, that if the Bill, from its provisions or its object, appeared to him simply to extend the act of the 28th of the King to lace frames as well as stocking frames, he should have thought it desirable; but he knew no way in which the purpose of the measure was to be collected except from the right hon. mover himself, or from the words of the Bill, by which he understood, that it was to be made capital in both instances to destroy frames. Now, if ever a legislature took a wrong step, it was when there existed a degree of indignation against persons who had committed violent aggressions against private property and public peace. On that part of the subject he was far from being convinced by the right hon. gentleman who supported the Bill. Here were offences against which a law existed enforced by no light punishment. Had the punishment been tried, or the law enforced? Before any one asked him to extend the punishment and to make it capital, he ought to prove that the law had been enforced, and had been found ineffectual, and then he might have a right to call for the enactment of capital punishment, but not till then. But that was not the case here, for he did not find that there had been any prosecution upon the 28th of the King, and perhaps there had been no occasion for it; so there was no authority to say that the law was not fully adequate to its purpose, except the necessity of extending it to the breaking of lace frames. But why was not the law enforced? Because the difficulty of detection prevented it. Would capital punishment increase the means of detection? If the difficulty of convicting offenders consisted in the reluctance of witnesses, was there any thing in the nature of capital punishment which would lessen that reluctance? He apprehended not. The only remaining principle on which the right hon. gentleman recommended the measure to the House was, that it would operate to excite terror; but how many instances were there of proofs to the contrary? And had not the House been lately engaged with the reverse of the proposition? He then commented on the precipitation with which the Bill had been hurried through the House; and hoped they would pause before they proceeded further. No one could deny the necessity of some protection being afforded to the property of the persons injured; but he conceived always, that the question for the second reading of a Bill was the proper period to protest against its principle; for, if that was defective, the committee would be useless. Objecting as he did to the principle of the measure, he should oppose it in its present stage.

Mr. Secretary *Ryder* said, that having already spoken fully on the subject of this Bill, it would be unnecessary for him to do more now, than to make a few observations on what had fallen from hon. members in the course of the debate. The hon. and learned gentleman, who had just sat down, had objected to the punishment of death being enacted by this Bill; and for the reason, that no trial had been made of the efficacy of the penalty of transportation, because not one prosecution had taken place. The hon. and learned gentleman thought, therefore, that making the destruction of lace frames liable to the same punishment as that of stocking frames, namely, transportation, would answer the purpose. How, then, would the matter stand, according to the argument of the hon. and learned gentleman? The preamble of the Bill must run thus, "Whereas the punishment of transportation exists against the breaking of stocking frames, and has been found ineffectual; therefore it is thought necessary, that the same punishment should be extended to the breaking of lace frames." It was, in his opinion, idle and nugatory to enact such a law, as it would be impossible that any good purpose could be answered by it. With regard to the objection of extending the punishment of death, he begged the House to recollect, that this was only intended as a temporary measure, to meet a pressing temporary evil; and that the hope was, that the terror of death might put a speedy end to the present unlawful and alarming proceedings in Nottingham, and the neighbouring counties. If the state of the town and county of Nottingham were considered, no gentleman would contend that the dis-

Digitized by Google

turbances ought to be allowed to exist. He did assure those gentlemen who had done him the opportunity of viewing his conduct in a favourable light, that he highly prized their good opinion. In what he had done towards restoring order, however, there was no merit attached to him or his colleagues. In the execution of their duty, (a melancholy one it was) they had been guided by a wish to preserve the public tranquillity. He would much rather, however, have had the mischief attributed in some degree to his own supineness, than that its ravages should have occasioned unmerited censure upon the local exertions of the authorities within the immediate scene of action. The conduct of the magistrates was exemplary throughout the county. With respect to the exertions of the town magistrates, these were limited to the district, but were not less laudable. In considering the Bill, the House would recollect that the mischief must be put down in some way or other. The efforts of the magistrates, though meritorious, were still found to be ineffectual. The question was not an insulated one; it was not a question which affected the manufacturing interests of that particular district, but the whole of the manufacturers throughout the kingdom. The outrages endangered the public tranquillity in a very great degree, and if by this Bill men should for the future be deterred from the commission of similar crimes, the House in passing the Bill had done their duty. He did not mean to affirm that the Bill could give facility of detection. That of making the offence capital, would have the effect of deterring men from crimes. When men knew publicly that parliament regarded their offences in a heinous light, and that it was the determination of the executive to send judges specially down, and not wait for the ordinary assises, to try offenders, it was fair to conclude that the object would be accomplished. At all events, it was unanimously admitted that the evil existed, but no gentleman on the other side of the House had, though he objected to the present measure, come forward with a remedy for that evil. Therefore, under these circumstances the House would, he trusted, adopt the Bill now in progress, as the rejection of it might produce effects which no one could anticipate.

Mr. *Bastard* said, that after the outrages which had been committed, he would vote for the Bill going to a committee; but when it had passed, he should be glad to know what security there would be for its being enforced? Why was the law already in existence suffered to slumber, without making any trial of its efficacy? Why had ministers suffered those riots to go on for two or three months? No one could persuade him that the right hon. gentleman deserved any praise. He should not have waited for any information, or expected to derive any assistance from the country magistrates. Was not the right hon. gentleman the chief magistrate, and ought he not to have directed the rest? He hoped the House would institute some enquiry into the proceedings of the Secretary of State's office, and take some measures to invigorate them.

Mr. *Whitbread* acquitted the right hon. the Secretary of State for the Home Department of any want of vigour; as it had been allowed on all hands, that he had done every thing that could be done by an early interposition both of the civil and of the military power. He must, however, object to the Bill, because it was a clumsy expedient, and because it extended the long list of our capital punishments. In his opinion, the great defect of the legislature of this country for the last century had been, that when they found the people prone to the commission of crimes, they, in order to put a stop to them, enacted the penalty of death; by which offenders had escaped punishment almost as much as if no law had been enacted at all. He was particularly averse from proceeding with the present Bill without enquiry, because the present was a period of tranquillity in Nottingham; and there was, in consequence, no cause for haste. The statute book teemed with sentences inflicting the penalty of death; and he thought it was a subject the revision of which would well become the policy as well as the humanity of the House. So long back as 40 years, the penalty of death for offences was considered so lightly of, that the House came to a resolution, That no Bill imposing that penalty should be introduced without a previous committee. For that resolution the public were indebted to sir William Meredith, who, in 1772, being on an enclosure committee, accidentally heard some of the interested parties complain that several of the peasants were refractory and troublesome, and that the only way to get rid of them would be by hanging a few. The hon. baronet was so

Digitized by Google

struck by the injustice and wickedness of the observation, that he moved, and the House adopted the resolution. Following up the resolution, he (Mr. W.) intended to propose that it should be made a standing order of the House, that no Bill should be introduced having for its object the infliction of penalty of death without a previous committee. If a committee had been granted, as had been proposed by his hon. and learned friend (Mr. Abercromby) they might have traced the origin of the evils, and found out other remedies perhaps; but as the present Bill did not seem calculated to reach those evils, and as its very principle was objectionable, he should certainly vote against its being read a second time.

Mr. *Frankland* contended, that when the law was openly violated, it was the duty of the legislature to enact severer laws. If the parent were not obeyed, while mild and indulgent, who would maintain that he ought not to change his countenance, and express his indignation? The law proposed was a law not merely to prevent the breaking of frames, but to protect whatever was most dear to us in life. When gentlemen talked of sporting with the lives of others, he would ask, who sported with the lives of the people? Who neglected the general safety? and on whom must fall the awful responsibility, if a remedy were not promptly applied to those alarming evils which were under their consideration? If the law were openly defied, and force continued to be opposed to force, while they were speaking there, thousands of lives might be swept away, and thousands might fall the victims of a too refined sensibility, and a mistaken and puling feeling of humanity. He denied that there were more crimes visited with capital punishment in our code of laws than in any other; and adverting to what had fallen from an hon. gentleman, who had contended that capital punishment should only be inflicted where it was authorised by the Scripture, which it was said only justified it in one instance, where it is written—"Whosoever sheddeth man's blood, by man shall his blood be shed," he was surprised how any man could read Leviticus and Deuteronomy, and be of such an opinion. It would be found, in looking into those books, that they contained more capital punishments than any modern code of laws, and Europe had been convinced that it would be improper to adopt a code so sanguinary. In the Scripture it would be found, that by the law of the Israelites, he who "disobeyed his father and would not hearken to his voice," was sentenced to be led out and stoned till he died.—He then proceeded to show, by analogy, that exemplary punishment ought to be inflicted on those who opposed the parental mandates of the legislature: and concluded by giving it as his opinion, that it was incumbent on the legislature to express its disapprobation of such outrageous proceedings in the strongest manner, by enacting that they should be visited with capital punishment, and those who suffered in consequence of the passing of such a law, were to be regarded as the victims of their own illusions and misconduct.

The House divided,

For the second reading 94
Against it 17
Majority ..... —77

List of the Minority.

Bankes, H.	Hume, W. H.
Busk, W.	Kemp, T. R.
Bennet, Hon. H. G.	Piggott, Sir A.
Baring, Sir T.	Moore, P.
Baring, A.	Romilly, Sir S.
Folkestone, Lord	Whitbread, S.
Guise, Sir W.	Wrottesley, H.
Greenhill, R.	TELLERS.
Hutchinson, Hon. C. H.	Wynn, C. W. W.
Horner, F.	Herbert, Hon. W.

The Bill was then read a second time. On the motion of Mr. Secretary Ryder that the Bill be committed to-morrow,

Sir *Samuel Romilly* moved as an amendment, That it should be committed on Wednesday; and observed, that he took this opportunity of rectifying some misrepresentations of his former statements. Remarks had been made, as if he had considered the subject as one of light importance; on the contrary, he thought and had stated the evil to be of enormous magnitude, and one which required a strong remedy. He had merely objected to the proposed method of furnishing a remedy. He observed, that the time allowed before the reference to a committee was so short, that he should not be able, if inclined, to frame a clause for insertion in the Bill; and asked what excuse the right hon. Secretary could give to the House and the public for not supplying some previous notice of the contents of his Bill? The present, he must also observe, was not a subject into which paradoxes and subtlety of reasoning ought to be introduced; nor could there be a time when such observations as an hon. and learned friend of his

Digitized by Google

(Mr. Frankland) had made about "puling humanity" were more entirely misplaced. He agreed—the whole House agreed—that some powerful remedy was demanded under the present circumstances—that blood should be shed to prevent a greater effusion of blood; but he thought the Bill essentially deficient, as it suffered too much to depend upon the humanity of the prosecutor in some instances, and too much on the interpretation of the judge in others. The statute would be a dead letter with respect to the particular case it was framed to meet, while its effects would be deplored where it was not intended to operate.

Mr. *Bathurst* disclaimed all idea of imputing to the hon. and learned gentleman any wish to under-rate the importance of the transactions alluded to; but complained that he had manifested some inconsistency in stating, at the same time, that the Bill would be a dead letter, and would also cause too great a sacrifice of lives.

Sir *S. Romilly* in explanation said, that the right hon. member who spoke last had misrepresented—he would not say had mis-stated—his positions. His observation had been, that as far as regarded the case of conspiracy, the act would be a dead letter, though this was the case where it was intended to apply; while it would operate severely against individuals, a case not within the meaning of the Bill.

Mr. *Frankland* said, that he should wish the time to be enlarged, except the subject was one which frequently had come before the legislative body. Statutes already existed on the woollen, the silk, and cotton manufactures, and none on this branch of craft. It was also important that it should not go out to the public, that the House was not clear and decisive in its intentions on this subject.

The House divided,

For the Amendment	15
Against it	80
Majority	—65

The original motion for going into the committee to-morrow was then put and agreed to.

List of the Minority.

Bank, W.	Kemp, T. R.
Babington, T.	Piggott, Sir A.
Baring, Sir T.	Moore, P.
Baring, Alex.	Romilly, Sir S.
Hutchinson, Hon. C. H.	Wrottesley, H.
Horner, F.	TELLERS.
Hume, W. H.	Bennet, R. H. A.
Knight, R.	Folkestone, Lord

HOUSE OF COMMONS.

Tuesday, February 18.

Prince Regent's Message respecting Lord Wellington.] The Chancellor of the Exchequer brought up the following Message from the Prince Regent:

"George *P. R.*

"The Prince Regent, in the name and on the behalf of his Majesty, having taken into his royal consideration the eminent and signal services performed by general lord viscount Wellington, in the course of a long series of distinguished exploits in the campaigns in Spain and Portugal, and being desirous to mark the sense he entertains of services so honourable to the British arms, and so eminently beneficial to the interests of the nation, has conferred, in the name and on the behalf of his Majesty, upon general lord viscount Wellington, and the heirs male of his body, the rank and dignity of an earl of the united kingdom, by the name, style, and title of earl of Wellington.

"The Prince Regent, further desirous of granting to the earl of Wellington a net annuity of 2,000*l.* in addition to the annuity already granted by parliament, and subject to the same limitations imposed in that grant, recommends to the House of Commons to enable his Royal Highness in the name and on the behalf of his Majesty, to grant and settle such annuity, and to make such further provision as aforesaid, as may be thought most effectual for the benefit of general the earl of Wellington and his family. G. P. R."

Ordered to be referred to a Committee of the whole House on Friday.

Trade Licences.] Mr. *A. Baring*, in pursuance of his notice, rose to move for several papers on the subject of the trade carried on by means of Licences, preparatory to the important discussion on the subject of the Orders in Council, which was soon to be brought before the House. He observed, that whatever opinions might be entertained by the cabinet, or by the Board of Trade, he would venture to assert that there was no member of the House at all connected with commercial affairs, who would defend the licensed trade as it was now, and as it had been for some time carried on. When the immense increase of influence it afforded to the crown, and the state of subserviency to the minister to which it reduced the mercantile interests of the country, were taken into

Digitized by Google

consideration, he thought the House would at least pause before it refused the documents for which he was about to move, previous to entering upon the general inquiry. He did not now wish to anticipate any thing that would be stated on a subsequent and more proper occasion, and should do little more than move for the papers which were the object of his application. The first was the copy of any memorials presented to his Majesty's government from the merchants of Heligoland, complaining of the mode of granting licences for their trade, which he wished to be produced, in order to shew that even those individuals who were most benefited by the present system, were dissatisfied with the manner in which it was conducted.—It had also been his intention to move for a similar document from the merchants of Malta, but thinking that it might be fairly urged that its production would be detrimental to their commerce in future, he refrained from so doing. No such objection could be urged to the Memorials from Heligoland, as all trade there had ceased for the last eighteen months, although it might be extremely convenient for hon. gentlemen on the other side of the House to adopt such an excuse as a reason for refusing papers on which an accusation against them was proposed to be founded. The other document that he was desirous should be laid upon the table, was a return of any spirits imported from any of the ports of Holland since the 1st of October last, with copies of the licences in which such importations have been made. His motive for moving for these papers was, that he was informed that two cargoes of spirits had been introduced into this country under licence, at a time when such permission was generally refused. One of these cargoes had been sold, and the owner had derived an immense profit from it, but the other, owing to some informality, unconnected with the present question, had been seized and confiscated. It was not his design, should his motion be acceded to, to bring any particular cases before parliament, or to impute any intentional mal-practice to the Board of Trade, but merely to shew that the system of Licences was liable to abuses of this description. He did not mean to say that corruption existed any where, but it was not fit that such a temptation to it should be allowed. He concluded by moving that the papers he had referred to should be laid before the House.

Mr. *Rose* said, that the hon. member could not be more anxious than he and his colleagues of the Board of Trade were, that the general question of Licences should be discussed in some intelligible and tangible shape as soon as possible, and he trusted the hon. gentleman who had given a notice on the subject, would bring it forward without delay. With regard to the first paper moved for, the Memorial from Heligoland, he thought the publication of it would be attended with very serious inconvenience, and notwithstanding what had been said, he felt it to be his indispensible duty to resist it. Whether it were true or not, that no trade had been carried on there for the last eighteen months, he did not know, but the production of this document would expose to the enemy the means which had been formerly resorted to, and might prevent any intercourse between that island and the continent in future. As to the other documents moved for, he had not the slightest objection to the whole world being made acquainted with their contents. He, however, wished to say a few words in explanation of what was an irregularity regarding them. It was undoubtedly correct, that at the time these two licences for the introduction of spirits from Holland were made out, the general importation was prohibited by the Board of Trade, and they wholly originated in a mistake of the clerk, who, in making out about nine or ten thousand licences, had improperly inserted the words which allowed the admission of spirits, but the persons who obtained them had derived no advantage from this inadvertence. One of the cargoes, as had been stated, had since been seized and forfeited, as it appeared that fraud had been practised, the ship not having in reality come from the port for which the licence was prepared. In the other case (for only two existed), the person on whose account the spirits were imported had been compelled not to enter them for exportation, and was not allowed to dispose of them for home consumption, by which he had sustained a loss of 4,000*l*. Under these circumstances, it would, indeed, be a wide stretch of the imagination to point out in these two transactions any thing which could afford a colour for thinking that the Board of Trade had acted with a view to favour the individuals concerned. The hon. gentleman had said, that there was not a merchant who did not complain of the system of licencing. So

Digitized by Google

general an assertion he was by no means prepared to meet; but whenever the subject was regularly brought under consideration, he should be ready to argue, what, in his opinion, was a very strong case. He trusted that the hon. member would not press his first motion.

Mr. *A. Baring* felt no inclination to accede to the last request of the right hon. gentleman, since he could foresee no possible inconvenience which would result from the production of the Memorial from Heligoland, seeing that the trade of that island was completely terminated. It would be admitted that it was couched in very strong terms of remonstrance, and he thought that the right hon. gentleman would much more unequivocally shew his disposition to meet the pending inquiry, if he allowed papers to be produced which were necessary to its due consideration. With regard to his second motion, it was certainly true that the Board of Trade, when they discovered that an irregularity (not to give it a term more severe) had been committed by their servant, did every thing in their power to injure the individuals who had, for any thing that appeared, innocently obtained the licences, but this was by no means pursuing the course that should have been followed. The right hon. gentleman had asserted, that in the last instance the owner of the cargo had sustained a loss of 4,000*l*. But his information was far different, since he learnt on good authority, that sufficient profit had been obtained on the last cargo, more than to make up for the confiscation of the former. There indisputably was room for a great deal of fraud, and it would be well worth his, or any other merchant's while, to purchase licences for the importation of spirits at an expence of 15,000*l*.

Mr. *Marryatt* did not believe that any mal-practices could be charged against any of the clerks of the Board of Trade, but the whole system of licensing was most injurious to the trade of the country. In order to substantiate this assertion, papers might, indeed, be useful, but they were not at all necessary, since the general facts were known to all, and the consequences felt by all. The forgery, perjury, and bribery on which our commerce now depended were admitted by nearly every person interested in commercial transactions, and the confiscation of our shipping provided with licences in various situations, to an enormous amount, had been the ruin of some of the most wealthy merchants in the city of London, besides filling the coffers of the enemy with the produce of the sale of their cargoes. He thought the production of the Memorial from Heligoland might be injurious, but before he gave his vote against it he begged to observe, that he entirely disapproved of the whole system of licensing.

Mr. *Brougham* felt that it was impossible to consider separately the important subjects of the Orders in Council and the system of licensing, and would therefore take the opportunity of fixing that day fortnight, for his motion on these two questions. He begged the House in the mean time to bear in its recollection one fact which had been disclosed in the course of the present discussion, namely, that the crown, by means of this traffic in licences, arising out of and connected with its traffic in Orders in Council and commercial prohibitions, was possessed of the power of employing for the augmentation of its influence *ad libitum*, these pieces of paper called licences, to any extent, and the value of that power might be easily estimated, when his hon. friend, perhaps the first merchant in the kingdom, had said he would not hesitate to give for one of them the enormous sum of 15,000*l*.

The *Chancellor of the Exchequer* remarked that the fact, which had been just stated to be of such importance, must occur in every case where it was thought necessary to carry on trade with a nation with whom we were at war, and, therefore, whether it were more or less connected with the Orders in Council, it was clear that such an advantage as that noticed, might, at any time, under such circumstances, be derived. It was not insinuated that the Board of Trade in a single instance had been actuated by an improper motive to favour particular individuals, and in this instance the licences in question were less open to any animadversion upon such a striking fact than they would have been at any other period. With respect to the question before the House, it would be remarked, that the hon. gentleman who introduced it brought it forward as if the whole trade of the country was, and could only be, conducted by means of licences. From what he (the Chancellor of the Exchequer) knew of the proceedings of the Board of Trade from daily communications, he could assert, that there was not a single instance of a licence being granted for a trade which could be carried on

Digitized by Google

without it; and thus the whole question which the hon. and learned gentleman in his threatened motion, would have to discuss, would be this, whether, under the circumstances, involved as we were in war with a large portion of the world, it was or was not desirable that any trade should be carried on with such countries as were under the dominion of an enemy? If, indeed, the whole benefit resulting from commerce was to be put into the hands of foreigners, as some gentlemen seemed to wish, the licensing system should be discontinued; but as long as any man was willing that our own merchants should derive their share, it ought to be persisted in. Notwithstanding, therefore, the authority of the greatest merchant in the kingdom, or perhaps in the world, the House would observe that they had been much misled, since the only principle on which government acted was to secure to the natives of England that trade by means of licences, the profits of which without them would devolve to the hands of aliens. When he said that the Board of Trade had granted no licences to countries where intercourse could be maintained without them, he ought to have made some qualifications, since he did not mean to pledge himself as to a particular voyage, nor did he mean to say that licences had not been granted for countries where it was a matter of doubt, whether the commerce could or could not be conducted without their protection, but, generally speaking, they had only been conceded in cases where they were absolutely requisite. It was by no means true, that government endeavoured to keep all trade within their grasp; the contrary was the fact. No merchant in the country was more anxious than the Board of Trade to see the period arrive when all necessity for licences should be removed. He, therefore, in his turn begged the House, while they recollected the important fact stated by the last speaker, not to forget the satisfactory answer he had given to it.

The question was then put, and the first motion for the Memorial of the Heligoland merchants was negatived without a division. The second motion, for a Return of any Spirits imported from any ports of Holland, since the 1st of October last, was acquiesced in.

Frame Work Bill.] The order of the day being read for going into a committee on this Bill,

Mr. *Lamb* rose, and said, he was anxious to state the grounds on which he should give the Bill his support. Those who opposed the measure insisted chiefly on the necessity which they conceived existed for going into a previous enquiry. If that enquiry should tend to ascertain the causes of the violation of the laws, it would certainly be beneficial; but he was against it because it would produce delay. The great cause of the disturbances he considered to be the decay of trade. The measures of the emperor of France were evidently their main causes; and it was nothing less than wilfully deluding the country, to hold out a hope that greater commercial embarrassments, greater severity of distress, than the country had hitherto felt, were not yet to be endured. As to the disputes between the masters and the workmen, he did not think it right to enquire into them, as causes of the riots;—such enquiry only tended to inflame the minds of the working-men, who generally concluded that they had rights which were infringed upon by the masters: and that they were justifiable in retaliating violence on them for the infringement of those supposed rights. The terror of death, he conceived, though it would have little effect on men habituated to guilt, would operate powerfully on the general mind. The atrocity of the offence against which the present Bill was intended, was as deep as any offence against property could be; and such, in his opinion, as called for the severest punishment. Another reason for having recourse to the punishment of death was, the difficulty of detection. When crimes became difficult of detection, the necessary and only resource was severity of punishment. As to the objections against the Bill, that it would involve persons who were within the letter, and not the spirit of it, there was little danger, he imagined, to be apprehended from any unfortunate result of that kind arising from it.

Sir *T. Turton* contended, that the Bill was not directed against the real danger, which was combination; it only looked to individual offenders. He did not think that ministers had used either the ordinary civil means, or the extraordinary military means which they possessed, to active and proper advantage. The poor deluded people who were the objects of this Bill were greatly to be pitied. They were in want of bread; and any measure of the legislature would not, he was afraid, be

Digitized by Google

able to put down the risings of hunger. The great evil, and the spring of every minor evil, was the continuance of the war.

General *Tarleton* said the debates on this subject had disclosed two important facts; in the first place it appeared that the late disturbances were caused by the decay of our trade: in the next, that a large number of the inhabitants of one part of the county had been almost in a state of insurrection. Far from thinking that there was any merit in the conduct of his Majesty's ministers, to him it appeared that great demerit was there to be seen. He thought the subject was not treated by the honourable House as so grave a subject ought to be treated. It ought to be most carefully looked into, as ministers had brought the country into a situation, to extricate it from which all the wisdom of parliament was required. He was averse to increasing the number of capital punishments. Were the laws of Draco the best the world had ever seen, because they were written in blood? Experience had proved the reverse to be the fact.

Mr. *Ellison* defended ministers against the aspersions of the two last speakers. He was afraid that there was something of the spirit of party in the opposition made to the Bill. He did not profess to be the defender of ministers, except as far as truth and justice bound him; but if a charge should be brought against them on the head of supineness, in not using the means which they possessed to put down the disturbances, he was ready on that score to meet any hon. gentleman opposite. As to the crying, puling maxims so much insisted upon, and the noise made about humanity, and he knew not what, he asked, were not the sufferers by these outrages sufficient objects for that humanity? He wished not to be considered as agreeing by any means to the new doctrines on criminal law, which tended to cast reproach on the wisdom or humanity of our ancestors. The law proposed, appeared to him to be dictated by humanity; it was not like the laws of Draco to be written in blood. The dread of capital punishment might prevent the repetition of the offence, and if (as had been said would be the case,) no convictions should take place on it, no blood would be shed in consequence of it. The conduct of ministers he thought had been perfectly correct, as they had done all in their power to put a stop to the evil by the means of the common law of the country.

Mr. *Curwen*, notwithstanding what had fallen from the last speaker, was still of opinion, that ministers had means which were not used promptly or beneficially in quelling the riots. As to the argument deduced from the terror expected to be produced by the punishment of death, he had one curious fact to state to the House, by which they might judge what effect it would have. In the county of Cumberland, it was made a capital offence to steal lead, and what was the consequence? Why, that no conviction ever took place under that law, because witnesses were shocked at the disproportion between the crime and the punishment, and would not come forward. He was sorry to hear hon. gentlemen say, that no hope ought to be held out to the country of escape from the pressure under which it at present laboured. He believed that there existed other causes of these disturbances, besides the measures of the emperor of France; and those were the measures of his Majesty's ministers. He saw in their mistaken policy grounds enough for the decay of trade; and he was of opinion, that there were measures of moderation and wisdom, by the adoption of which the country might escape from its present embarrassments. Measures of moderation and wisdom were not, however, to be expected from his Majesty's present ministers. He attributed the decay of trade, and the consequent ruin of the country, to the mistaken policy of ministers. The sufferings of the people were great. They were great in many parts of the county with which he was personally acquainted; but their forbearance was also great. He should vote against the bill, because he did not think it would effect what it pretended to.

Mr. *Courtenay* begged leave to adopt the sentiments of the hon. gentleman who spoke first (Mr. Lamb.) He particularly selected that hon. gentleman's speech, not only for its eloquence, but because all the other speakers for the Bill were opposers of the measures of an hon. and learned gentleman (sir S. Romilly) relative to the Criminal Laws, which measures Mr. C. was inclined to favour. But he thought the present an atrocious crime, worthy of the very highest punishment, and should therefore vote for the Bill.

The question that the Speaker do leave the chair was then put and carried; and the House went into a Committee, on the clause enacting capital punishment for

Digitized by Google

maliciously breaking the frames, machinery, &c. used in making lace.

Mr. *C. W. Wynn* observed, that as the clause stood, it would appear, that a person tossing an old woman's lace cushion into the fire would constitute a capital offence. He asked whether it was to be so understood?

The *Attorney General* did not think that such an act as that instanced by his hon. and learned friend could be prosecuted to conviction, because the bench and the jury would both be of opinion that the malicious intent to destroy that trade would not have been sufficiently made out.

Sir *S. Romilly* said, that if the case supposed by his hon. and learned friend did not come within the meaning of the act, he conceived that it might still operate in a manner in which it was not intended to act. If an individual in a passion should damage or injure one of his master's tools used in that trade, as the clause at present stood, such conduct would come within the meaning of the act. It might be that in such a case the law would not be executed, but was it for parliament to make laws so cruel in their operations, that persons convicted on them were suffered to escape on that account? He would submit it to the right hon. gentleman, whether it might not be better to alter it, by inserting the words "any three or more combining maliciously to break, &c."

The *Chancellor of the Exchequer* thought, if the proposition of his hon. and learned friend were adopted, the mischief would not be put a stop to by this act, as the rioters at Nottingham had acted throughout with so much system and contrivance, that he had no doubt but if that amendment were made, they would evade the law, by sending into the different cottages one man only to destroy the frames. However they might regret that to which the letter of the law might by possibility lead, he thought they ought to proceed on the established principle of comprehending to a certainty, that which the law was intended to meet, at the risk of including what it was not designed to include.

Mr. *Abercromby* supported the amendment.

Mr. *J. Smith* objected to the generality of the word "damaged," which he thought might be given up, as the Bill would be completely efficient without it.

Mr. *Simeon* supported the clause as it stood, and was of opinion that the amendment would destroy the effect of the Bill.

Mr. *Bathurst* thought that if the object of the Bill was merely to increase the punishment, the former act ought to be followed up to the letter in every thing else.

Mr. *Leigh Keck* supported the clause.

The *Attorney-General* apprehended that the object of the rioters was to prevent the work from going forward, and therefore maintained it was of the utmost consequence to check them. No inconvenience could follow from leaving a discretion to the judges.

Sir *S. Romilly* declined pressing the amendment.

Mr. *Lockhart* proposed a clause for the purpose of allowing the prisoners who should be tried under this act, the benefit of counsel. It was agreed upon all hands that the crime was great; by some it was represented as approaching to high treason, a circumstance which must expose those who were accused of it to the indignation of the community; but it occurred to him, that for that very reason the person to be tried should be afforded the privilege intended by his clause. All he asked was, that they should be placed on the same footing with those charged with misdemeanors. He never could find upon what principle persons tried for their lives were refused this benefit. It was stated by some, that the judge was counsel for the prisoner; but the judge was bound to state what made against him as well as what made for him; and therefore in that sense could not be said to be his counsel. In the case of Patch, it was stated by Mr. Serjeant Best, that the principle upon which counsel was refused was, that the case should be so clear against the prisoner as not to render counsel necessary. A third principle stated, was, that it would occasion the delay of causes. But neither of them appeared to him to establish the necessity of such refusal in all cases: he therefore should propose the clause as he had already stated.

Mr. *C. W. Wynn* seconded the motion.

Mr. Secretary *Ryder* said his hon. and learned friend had not stated any thing to shew that this case differed from ordinary cases of felony. With respect to high treason, it was an offence *sui generis*, and the reason why counsel were allowed was, because it might be made an engine of political oppression. He quoted the 6th of George the 3rd, to shew that for the protection of the woollen and velvet manufactories, enactments had been made

Digitized by Google

similar to that which he had proposed in the present instance, and that no exception was made of the nature of that submitted by his hon. and learned friend.

The clause was rejected.

Mr. Secretary *Ryder* proposed an amendment, for the purpose of altering the preamble of the bill, so as to shew that it was framed to meet a particular occasion; which, after some desultory conversation, was agreed to. The report was then brought up, and ordered to be taken into further consideration to-morrow.

NOTTINGHAM PEACE BILL.] Mr. Secretary *Ryder* moved that the House do resolve itself into a Committee of the whole House, upon the Bill for the more effectual preservation of the Peace within the county of Nottingham, and the town and county of the town of Nottingham.

Mr. *C. W. Wynn* suggested the propriety of extending the provisions of the Bill to any other county where similar disturbances existed, or were likely to exist.

Mr. *Leigh Keck* wished that they might be extended to the county of Leicester.

Mr. Secretary *Ryder* observed, that the Bill had been suggested by, and drawn in the county of Nottingham, and then sent up to him. After it had been revised by the law officers of the crown, he had sent it down again to the county of Nottingham, in order that he might be assured, before he submitted it to the House, that it had received the concurrence of the magistracy of that county. If any hon. member would declare that the magistrates of the county of Leicester, or of any other county, were desirous to have the provisions of the bill extended to them, he should have no objection to move an instruction to the committee to that effect; but it ought not to be forgotten that those provisions imposed a heavy mental and bodily duty on those who were to execute them.

Mr. *Leigh Keck*, although certainly he was not distinctly authorised on the subject, had yet no hesitation in declaring, on the part of the magistrates of Leicestershire, that they were ready to execute the provisions of the act; and he was sure that they would do it ample justice.

Mr. *Babington* was persuaded that his hon. friend was completely justified in the declaration which he had just made. The magistrates of Leicestershire were never disposed to shrink from their duty.

Sir *O. Mosley* pressed the necessity of extending the provisions of the bill to Derbyshire, and mentioned several instances of extreme outrage in that county. He certainly could not pledge himself for the opinion of every individual magistrate in Derbyshire, but he, for one, would use all possible exertion to enforce the measure.

Mr. Secretary *Ryder*, after what he had heard, felt no reluctance whatever in moving that it be an instruction to the committee that they be empowered to extend the provisions of the bill to any other county in Great Britain.

Mr. *C. W. Wynn* could not see the impropriety that would attend the extention of the bill to all the counties in Great Britain, in which the magistracy might deem it expedient to put the provisions of it into execution.

The instruction to the Committee was then agreed to. On the motion that the Speaker do leave the Chair,

The *Chancellor of the Exchequer* observed, that the suggestion of the hon. and learned gentleman who had last spoken, was one which, in his opinion, might be attended to with advantage.

Mr. *Horner* asked whether it was intended that the measure should be permanent or temporary; and whether there was any intention of extending the provisions of the bill to the counties of North Britain.

The *Chancellor of the Exchequer* replied that whatever might be ultimately considered as expedient, in the first instance he conceived that the measure ought to be only temporary. It might be wise to extend the provisions of the bill to North Britain, but in that case it would be necessary to submit them to legal opinions in that country.

Mr. *Horner* agreed with the right hon. gentleman that the measure ought to be temporary. But was it meant to confine the operation of the bill to such outrages only as those in which the necessity for it originated, or to extend it to other outrages? If there was any intention of extending the provisions of the bill to the counties of North Britain, such a measure would require deliberation. In his opinion a separate bill would be necessary.

Mr. Secretary *Ryder* remarked, that he had been induced, in the first instance, not to propose the extension of the provisions to all the counties of Great Britain, from the consideration that the pro-

Digitized by Google

visions of it were chiefly, if not solely, applicable to the description of disturbance which they were framed to repress.

The House then resolved itself into a committee on the bill. After discussion the blanks were filled up, and the House having been resumed, the Report was brought up and ordered to be taken into consideration on Monday.

HOUSE OF LORDS.

Thursday, February 20.

PRINCE REGENT'S MESSAGE RESPECTING LORD WELLINGTON.] The Prince Regent's Message respecting lord Wellington having been read,

The Earl of *Liverpool*, in rising to move an Address to his Royal Highness, in answer to this communication, observed, that the first object to which he desired to call their lordships' attention, was, that the act of conferring upon lord Wellington a higher rank in the peerage, was the first exercise of the Prince Regent's unrestrained prerogative. The reason why he adverted to this peculiar circumstance was, that, while all must be sensible how well earned these honours had been,—while the country must feel the highest satisfaction at their being conferred, considering the foundation on which they rested,—and while lord Wellington himself must feel gratified at this acknowledgment of his merits, he, their lordships and the whole nation, might have the farther gratification of knowing, that the reward must derive a still brighter lustre from the time and manner in which it was given. He wished to direct their lordships' attention to this circumstance, also, as a test of the high gratification which his Royal Highness would always have in rewarding public men for public services—as a test that he regarded his prerogative as vested in him for such important purposes—as a test that he never would feel so thoroughly pleased at its exercise, as when he employed it in paying the just tribute of honour and applause to undoubted and distinguished merit. Every class in the community must feel gratified at this first act of his Royal Highness after the termination of the restrictions. The public must look with the highest satisfaction on this proof of attention to one who had deserved so well of his country; while those who were engaged in the most important of public duties, would feel an additional stimulus to their exertions when they saw desert and service so faithfully rewarded.—This much he had felt himself called upon to say; but it was not his wish to dilate at present upon the services of the earl of Wellington. He had, on other occasions, had opportunities of dwelling upon his merits, and endeavouring, as far as in him lay, to impress others with that deep sense of them which he himself entertained. To enter now at any length upon that subject, would only be an unnecessary waste of their lordships' time. The actions of the earl of Wellington spoke his praises with eloquence far more impressive than any words he could use; but there were two or three considerations connected with the subject which he found it impossible to pass over in silence. The first was, that this honour had been conferred, and the provision to support it recommended, without the knowledge of the noble earl, or any communication with him (Hear, hear, from marquis Wellesley.) The second consideration was, that when the Prince Regent of Portugal conferred upon the earl of Wellington the highest honour which the crown of Portugal could bestow, he proposed to accompany this honour with a pension of 20,000 crowns. Their lordships would recollect what the state of that country was at the time,—impoverished and exhausted by the inroads and wanton excesses of the enemy, and the exertions necessary to be made for repelling the invaders. Their lordships would remember, that the inhabitants of Portugal had been compelled to appeal to the parliament of this country, to enable them to re-establish their domestic affairs, and to provide the means of existence. Under these circumstances, the earl of Wellington was aware, that all the resources of Portugal were pressingly required for its own internal purposes, and therefore did not think proper to avail himself of the provision made for him by the Prince Regent of that country. He received the honour conferred upon him as a mark of the approbation with which the Portuguese government regarded his conduct; but refused the emolument with which it was intended to accompany it, because he thought it would be pressing too severely upon the country in its then exhausted condition. The third of those considerations to which he alluded was, that when the earl of Wellington was made captain

Digitized by Google

general of Spain, he accepted the honour, but refused the pay usually attached to the situation. These things he thought it right to mention, and was sure they would not fail of their due effect upon the minds of their lordships. But this was not all: he had farther to remind them that the earl of Wellington held a charge hardly ever committed to a British subject before—a charge supported upon a scale of expence, of which their lordships could scarcely form an adequate conception. This expence, however, he had borne out of his own private fortune, though in circumstances but moderate enough for supporting the rank of a gentleman; that fortune, too, chiefly formed of the honest earnings of severe and distinguished service. This he had stated not from any communication with the noble lord, but from his own knowledge. The grant now proposed, therefore, was equally due, whether regarded as the reward of splendid exertions in the service of his country, or as the means of defraying the expences to which the situation which he held for the benefit of the public necessarily exposed him. In one sense, indeed, it was a debt of honour; in another, it was no less a debt of justice.—He need not, he trusted, occupy their lordships' time any longer. Here, he presumed, there could be no difference of opinion. He wished to avoid every topic that could possibly lead to opposition. Let the earl of Wellington's claims rest upon their own merits, independent of any political questions with which they had no connection. That the honour conferred by the Prince Regent had been most richly earned, all must admit; and from that, he apprehended, it followed as a corollary, that they should give the means to support it. His lordship concluded by moving an Address to the Prince Regent, thanking him for the communication, &c.; being, as usual, an echo to the Message.

Earl *Grosvenor* rose, certainly not to oppose the Address, but to endeavour to persuade their lordships to extend the grant considerably. Whenever these honours were conferred for great and distinguished services, they ought to be accompanied with a fortune, sufficient not only to enable the individual to support his dignity, but sufficient to enable his posterity to maintain it without becoming dependents on the crown. Under this impression, he thought that ministers had not gone far enough. He had on a former occasion observed, that in order to reward signal services with the least expence to the country, and the least injury to the aristocracy, a new order ought to be created in the constitution, with a rank equal to the peerage. The order of the Bath, for instance, might be advanced to a rank equal at least to that of a baron. The dignity would then be only for life; and the objection as to dependence upon the crown would be at an end. The noble earl referred to three cases in our history as instances of splendid, moderate, and inadequate provision made for individuals advanced to the peerage. The first was the case of the duke of Marlborough. No one could look at the splendid palace of Blenheim without admiration of the actions that could deserve so brilliant a reward, and of the munificence which had conferred it. The next was the case of the late lord Nelson. There, indeed, a sum of 100,000*l.* had been given, and he was far from thinking that it was too large. The third was the case of the late lord Chatham, whose great talents and eloquence exerted in the public service had justified his exaltation to the peerage. Yet lord Chatham must have strongly felt the unpleasant situation in which his posterity would be placed. They could have no means of supporting in a proper manner the rank to which they had been raised without some of the offices in the gift of the crown. This he was sure could not fail to be a very disagreeable situation. The practice of giving peerages, without adequate fortunes, if carried to a great extent, might be fatal to the independence of the aristocracy. Reverting to the point more immediately before the House, his lordship observed, that whatever difference of opinion there might be as to the policy of the war in Spain, there could be none with regard to the merits of lord Wellington. His only objection was, that his services had not been sufficiently rewarded. The noble secretary himself had stated, that lord Wellington's fortune was but moderate. Why then not grant a much larger sum? He should say, that in addition to the annuity, a sum of 100,000*l.* should be granted, that his lordship's posterity might not be compelled to become dependants of the crown. If that should not be acceded to, he hoped, at least, that the annuity should be made 6,000*l.* instead of 2,000*l.* or at the very lowest that it might be 4,000*l.* He could not, in point of order,

Digitized by Google

offer any of these additions at present; but when the Bill came before the House, he should take the liberty of moving an amendment. There were some words in the Address, however, to which he could not agree. The words were, that the services of lord Wellington in Spain had been "eminently beneficial to the interests of the kingdom." Though he allowed the great merits of lord Wellington in their utmost extent, yet he could not approve of words which seemed to convey an opinion favourable to the policy of the war in the peninsula. It was on this ground solely that he objected to them, and could not suffer the Address to pass without stating his disapprobation. It was impossible, he admitted, to speak in too high terms of the gallant exploit at Ciudad Rodrigo; but he was by no means convinced that it tended much to farther the great object of the war. It might be called the key of Spain, but would it open the gates of Madrid? A great object might have been gained, if the passes of the Pyrenees had been occupied, as had once been suggested; but whether this could have been done, or not, he really did not know. But unless we in concert with our allies made one great effort, the continuance of the contest would be a mere useless waste of blood and treasure. If that could not be done, we ought to have recourse to the maritime system which had been so strongly recommended. The present system, he was convinced, could not lead to any beneficial result. He would not trouble their lordships farther at present, as he might have another opportunity of delivering his sentiments.

The question on the Address was then put, and carried unanimously.

HOUSE OF COMMONS.

Thursday, February 20.

FRAME WORK BILL.] Mr. Secretary *Ryder* moved the order of the day for the third reading of the Bill for the more exemplary punishment of persons destroying or injuring any Stocking or Lace Frames, or other machines or engines used in the Frame-work knitted manufactory, or any articles or goods in such Frames or Machines.

Mr. *Hutchinson* said, that he would be the last man in that House to defend or justify the outrages against which this Bill had been provided; but it was a material point to ascertain, before it passed into a law, whether it could have the desired effect of putting a stop to these outrages. He did not think it could; and he was fortified in that opinion by the frank declaration of the right hon. Secretary, who had, in introducing the Bill, protested against pledging himself to the ultimate success of his own measure. After so strange, but so explicit an avowal on the part of the originator of the Bill, he thought it became the House to be cautious of adding to the pile of their penal laws, one of which they only could be certain, that it might take away mens' lives without at all restraining their offences. The law which had been the professed model of the present Bill, made the offence of Frame-Breaking a transportable felony—the penalty, however, was departed from, and the offence made a capital felony. The reason for this change did not appear. It had been said that under the former act no persons could be brought to discover. If it had been so difficult to get witnesses to prosecute to conviction, when the offence was only transportable, would it be less so under the present act, when the conviction affected life? He thought rather that this very alteration would enhance the difficulty it was intended to obviate. But they had not merely the authority of the right hon. Secretary against his own measure—they had that of the minister himself, who had expressed his apprehensions that this offence had not yet reached its height—that it might yet proceed to an alarming extent, and reach perhaps throughout a great part of the manufacturing system of the country. If the evil now to be provided against was so to encrease, even under the operation of this statute, why enact it at all? They were not pledged to this particular act. Why not look anxiously for some better remedy? For surely gentlemen would not contend, that that which could do nothing was the best possible remedy the case admitted of. What had been the immediate cause of these outrages? Distress perhaps unparalleled. Did not this involve a consideration that bound them to reflect upon the measures that had created that distress? Why not then first inquire into the causes of that distress? If they had been pursuing a system which, in its consequences, threatened the people with beggary and want, it was their bounden duty to stop, and change that system, before

Digitized by Google

they must out an act to hang up the people for outrages into which their own mal-administration had driven them. They had no right to be so very keen and prompt in punishing the madness which they themselves might have occasioned. They had been called upon to be firm—let them be firm in resisting the outrages of the lawless; but pertinacious obstinacy in resisting the complaints of a distressed people, was no part of that firmness. But according to their own shewing, where was the firmness in making an ineffectual shew of power—in doing that which could do nothing? Would this act do away the unparalleled distress that had provoked, and must continue to provoke, these outrages? And if it did not, why not try to trace that distress to its true cause, and remedy it at once? But mark the inconsistency of ministers, who admitted and denied the existence and extent of that distress, according as such admission or denial was meant to square with the topic then to be disposed of. If the efficacy of the Orders in Council was impeached, instantly this distress became comparative commercial prosperity. The trade of the enemy was annihilated, and ours was pregressively prosperous; but when the House was to be called upon for another penal statute, and when the unprecedented distresses of the people were attempted to be traced to their natural source—the unprecedented errors of the government—then, indeed, the extent of the calamity was admitted, and ascribed to the wide and heavy operation of those Decrees which they had been told, the Orders in Council had rendered altogether nugatory and futile. Could the people think them sincere in their professions to relieve their pressures, when they found them thus sporting with their distresses? An allusion had been made to that part of the Jewish law which condemned children who rebelled against their parents, to be taken without the gates of the city and there stoned to death—but were there no obligations on the part of the parent? If the parents profligately and desperately consumed the substance of their children, deprived them of their birth-right, and all means of living, were children so abused bound by all those strong ties of tenderness and piety which connect those sacred relationships in ordinary life? He, for his part, was shocked to see such total indifference on the part of ministers to the sufferings of this class of their miserable fellow subjects. In the name of those sufferings he called for inquiry into the causes of them. They were bound to know what those people suffered before they could ascertain the amount of that criminality which their miseries had extorted, and which they were now going to punish with death. Was it the war? or the mode of carrying on the war? or were they to look at home for the fatal cause—was it to be traced to a total abandonment of all economy at home? If it was one of those, apply the remedy to the source, and do not begin by unnecessarily cutting off the extremities. After vaunting so much about the prosperity of the country, was this the comment put by ministers upon it? They sent out this act to tell the people of their commercial prosperity—this first act of what may yet be followed by a bloody code—an act that professedly can neither remedy nor prevent, but hang the criminal without putting a stop to the crime. It was rather an inauspicious act for this new administration to commence with. They begin their new government of a new æra by adding to the capital crimes of the country, an offence arising out of the desperation of unexampled distresses—this, he must say, was rather an unfortunate beginning at so prosperous an æra for so unfortunate a set of ministers! He asked if they had yet given the people one practical pledge of their sincerity in the cause of economical reform? They had been lately making enormous additions to their civil establishments, and since that they had again thrown back the Reversion Bill upon the discontents of the country. An hon. gentleman (Mr. Herbert) had talked of the White Boy system in Ireland, and said, that if the Irish Parliament had not resorted to those vigorous measures which were proposed in the present instance, that system might not have been put down. He (Mr. H.) could not help thinking this a most unfortunate allusion. The White Boys broke out in 1760—at that period, owing to a great dearth of cattle in consequence of a general murrain in the north of Europe, cattle in Ireland brought so high a price, that it became an object with many landholders to turn their arable into pasture—a system that, by taking in all the commonage, operated in the most hard way upon the poor peasantry. This produced the insurrection denominated White Boys.

Mr. *Crippe.*—Mr. Speaker, I beg leave

Digitized by Google

to ask whether the hon. gentleman is in order.

The *Speaker*. I hardly know how to answer that question. If the hon. gentleman is in order, I am at a loss to discover how he is so (hear, hear!)

Mr. *Hutchinson*.—The riots of the White Boys were adduced as analogous to those of the Frame Breakers. We were told that the same vigour which had checked the one would now be necessary to put down the other. I answer, first, that I admit the analogy, because both species of outrages originated in iniquitous grievances and hardships; and, secondly, that as the White Boys were put down by redress of their grievances, and not by the rigour of law, that according to the same analogy, you are bound to inquire into the grievances of the Frame Breakers, and to remedy them without delay, as the most effectual way of putting a stop to these outrages. I know not, Sir, whether you can now perceive the applicability of my argument; or whether you are still at a loss to discover whether, in urging it, I am within the limits of order. I repeat, then, that the vigour of the law failed in putting down the White Boys—that it will fail in putting down the Frame Breakers. But is it meant that the one should be the pure model of the other? Would you introduce the pitch cap, and the other memorable insignia of torture, so well known in Ireland, though not understood here? Would you introduce them into England? The White Boy code was fit only for the meridian of Barbary, as it had, indeed, been well described by a most intelligent writer on the state of Ireland. But look at this subject as you will, you are forced to the consideration of the cause—are any portion of the people of England given to wanton riots? was this the national character? was it the character of the manufacturing part of the country? were they not proverbially a grave, plodding, quiet, discreet, sedate, business-involved class of men? What but intolerable distress could drive such a class to lawless outrage; and if the distress was too great to be borne, the legislature was bound to interpose some remedy, and not hang men because they could not suffer beyond human nature. I have now stated my objections to this measure, and condole with the new minister that such should be the first act of this new æra of the flourishing state of the empire. The proofs of such national prosperity were unfortunately but too equivocal, if they were to be found only in such a measure as that which they are now about to pass, or in a rupture with America; or in the midst of such general peril, in the alarming discontents and alienation of the Irish people. The man who can repose confidence in those ministers who have brought the empire to such a state, is not only, in my opinion, incapable of forming a sane judgment, but would deserve, while he ranted about our national prosperity, to be hung up in a cage to the gaze of the starving multitudes in this country, and himself be made the sport of those, upon whose miseries he could pass so cruel a mockery. If the Bill does pass without inquiry, I trust that the people of England will proceed to hold constitutional meetings, and resort to every constitutional mode of redress. I hope that they will at length make that voice be heard within these walls which has had for so long a time such little influence upon our counsels.

Mr. *Sinclair* said:—I rise, Sir, to give my decided support to this measure, the necessity of which I both acknowledge and lament. Though for the most part disposed to concur, on the subject of capital punishments, with an hon. and learned gentleman opposite (sir S. Romilly,) whose humane and enlightened exertions for mitigating the rigour of the Penal Code, entitle him to the gratitude of his country, yet on the other hand, I contend, that cases may occur (of which I conceive the present to be an instance) in which lenity to the aggressors, is cruelty to the injured. The first clause of this Bill, by which the perpetration of these outrages is rendered a capital offence, may not, it is true, facilitate the detection of the past, but will (I trust) be conducive to the prevention of similar enormities in future—whilst the second clause, which enforces the necessity of giving early information when an outrage has been committed, will powerfully second the exertions of the magistrates to bring the offenders to justice. When the punishment of death has long subsisted against a particular crime, it may perhaps be viewed with less terror by offenders, as the nature of the crime and that of the penalty attached to it are equally familiar to their minds; but when it is for the first time enacted against an offence, to which a slighter punishment was attached before, it cannot, I think, fail to deter many persons from engaging at all in the crime, and recall many others

Digitized by Google

to a sense of what they owe to themselves and to their families. We need not be afraid of the judgment of posterity on the subject of this law. Whilst they deprecate its rigour, they will acknowledge its necessity; and only consider it as a temporary remedy for a temporary evil, arising, I trust, from temporary causes.—Sir, I should have thought that the candid and perspicuous statement of the right hon. Secretary on a former occasion, corroborated as it was by the members for the town and county of Nottingham, would have prevented any insinuations from being thrown out, that the government had acted with supineness or inactivity. To such insinuations an honourable contrast is afforded by the manly and impartial declaration of the member for Bedford (Mr. Whitbread,) that in his opinion nothing had been left untried.—Sir, the protracted continuance of these disturbances does not prove any remissness on the part of the government, but aggravates the criminality of the offenders. From the secrecy with which their attacks were planned, the celerity with which they were executed, and the suddenness with which they were renewed in quarters where they least were expected, I cannot help inferring that their misconduct was not owing to the momentary impulse of distress or irritation, but to a premeditated plan of systematic aggression, which certainly rendered vigilance and energy on the part of the government doubly necessary, but must also in many instances have rendered them ineffectual.—Sir, I sincerely hope that the complete restoration of tranquillity may render it unnecessary to have recourse to the provisions of this act; but, on the other hand, I trust, that if a continuance of these disturbances should render it expedient, they will be enforced with vigour, and attended with success. With regard, Sir, to what fell from the hon. gentleman who spoke last, if I had entered the House in the middle of his speech, I should have supposed that we were discussing the state of the nation—a topic to which his arguments had a much more immediate reference than to the question now under consideration. I shall not pretend to comment upon such extraneous observations.—When the motion of which an hon. baronet has given notice for an inquiry into the State of the Nation, is brought forward, I have no doubt that most of these arguments will be repeated, and many of them, I trust, satisfactorily refuted.

Mr. *Herbert* said, that he did not recommend the mode of punishment adopted in Ireland against insurgents here, but generally the necessity of having recourse to a capital enactment.

Sir *A. Piggott* could not refrain, in this last stage of the Bill, from repeating his objections to it, being satisfied that it was a measure calculated to mislead the public, and at the same time to operate as no check upon the outrages sought to be corrected. He could not forbear expressing his astonishment that such acts as had lately been carried on for a series of months with impunity had not called out the inquisitorial power of that House, but that, instead of such an inquiry, an act should be introduced, which was calculated for nothing but to mislead the public. If such acts as those sought to be provided against, could be carried on without detection, what did the present Bill do to deter from the commission of them? Increasing the degree of punishment only tended to add to the motives which now prevailed in favour of concealment, and to increase the reluctance to give testimony. Did they not, however, by the present Bill, furnish motives even for the commission of another crime of a still deeper dye? Did they not furnish persons already so well disciplined in the arts of concealment with a fresh motive, if detection could not otherwise be secured, to cut off the evidence against them? If in any one instance such an occurrence as this were to take place, must the House not feel that they had aggravated, instead of curing the evil?

Mr. Secretary *Ryder* did not conceive it necessary to repeat over and over again, the reasons which urged him to the adoption of this measure. If he had, however, done so, he should only be following the example of his hon. and learned friend who had just sat down. He recommended this Bill to the legislature, not in the certainty, but in the hope of putting down the disturbances in Nottinghamshire, and to shew the country that every legislative means were used, before recourse should be taken to measures of greater severity. He was quite confident that the suffrage of the people would be with this Bill.

The Bill was then read a third time and passed.

Local Militia Bill.] On the order of the day for the second reading of the Local Militia Bill,

Digitized by Google

Lord *A. Hamilton* said, he thought that the inconsistency of conduct in the House on the subject of ballot, was a matter of very serious regret. The ballot was now the only source resorted to for supplying the military force of the country, whereas it had been generally declared in that House, within these few years, to be a system which was wholly unfit to be persevered in. Such an inconsistency as this, he was afraid, would seem to justify the suspicion, that the members of that House were not sufficiently alive to the interests of that part of the community, who were more peculiarly exposed to the burden of ballot. There was another objection, which struck him with peculiar force on perusing the present Bill. Not only were persons belonging to the Local Militia, who were guilty of offences, liable to the usual punishments inflicted in such cases, but they were to be liable to the punishment of being continued in the Local Militia beyond the stipulated period of their service; not only so, but even to be sent into the line, and there to be kept, for an unlimited period of service. The noble lord apprehended, if this clause was to be allowed to continue in the Bill, it would be far from palatable with the public. Imprisonment too, his lordship observed, was to be inflicted by this Bill, not as a punishment, but before trial for any supposed offence. This was such a mixture of military law as he could not think of countenancing in such a Bill as the present. There was also a large fine of 15*l.* a man on the county, for every man not raised. These were all clauses which appeared to him to be highly objectionable, and which rendered the Bill totally unfit to pass the House in its present state. He might be told, perhaps, that the committee was the proper place to have these objections remedied. It surely was so; but he did not conceive he should have done his duty, had he not noticed them in the present stage of the Bill. If the right hon. gentleman should persist in carrying the Bill through in its present state, he would take another opportunity of stating his objections more in detail.

Mr. *Whitbread* agreed in thinking that there were many objectionable clauses in the present Bill, but he did not agree in all the objections stated by his noble friend. What he particularly objected to was an alteration in the present system of the Local Militia. The noble lord who originally proposed that measure, proposed it as a measure by which the whole male population of the country might be gradually trained. The greater part of the Local Militia now embodied had already served three years, and would therefore fall to be disbanded in the course of the following year, the men not being capable, by the present law, of continuing embodied more than four years. The present Bill, however, proposed, that on an understanding taking place between the commandant and the men, a certain proportion of the present Local Militia might be continued. Thus, then, was the plan of proceeding in a series, and of training the whole population of the country by degrees, to be abandoned. In his opinion the first plan had been found to be a good one, and ought to be continued, and the clause in the present Bill, introducing the change to which he had alluded, ought to be rejected.

Mr. Secretary *Ryder* agreed that the alteration alluded to by the hon. gentleman was a deviation from the original plan of the Local Militia, in as far as it was to that extent a deviation from the system of ballot, which was the corner stone on which the Local Militia system was built. The acceptance of the voluntary service of such corps as chose to offer themselves, a thing which was permitted under the original Bill, was also, so far, a deviation from that system. He was of opinion, however, that the alteration now proposed was an improvement, for several reasons: first, it would produce a much more efficient force; again, relieve the country from a great inconvenience and burden, as it would prevent the necessity of calling persons away from their avocations in husbandry, &c. during the harvest; and, in an economical point of view, it would cause a great saving to an amount of not less than 100,000*l.* a-year.

Lord *A. Hamilton* explained by stating, that he had not said that the system of ballot ought to be laid aside altogether, but that he regretted the inconsistency of the House on this subject.

Mr. *N. Calvert* paid a compliment to the framer of the present Bill, which was complete and intelligible in all its parts, and was not, like too many Bills, framed, as it were, with no other object than to bewilder and perplex.

The Bill was then read a second time.

Digitized by Google

HOUSE OF COMMONS.

Friday, February 22.

PRINCE REGENT'S MESSAGE RESPECTING LORD WELLINGTON.] The House having resolved itself into a Committee of the whole House to take into consideration his royal highness the Prince Regent's Message of Tuesday last, [see p. 842.]

The *Chancellor of the Exchequer* addressed the Chairman to the following effect; Mr. Lushington; I cannot think that it will be necessary for me to trouble the committee with many observations in order to induce them to give their most cordial consent to the Resolution which I shall have the honour to propose, in conformity to the gracious Message of his royal highness the Prince Regent. It is, indeed, impossible that the House of Commons should fail to recollect, or that the nation at large should fail duly to appreciate the various great and distinguished services which have marked the brilliant career of my lord Wellington in the course of the late campaigns in Spain and Portugal. Although differences of opinion may exist with respect to the expediency and policy of the efforts which Great Britain has been, and is now making in the peninsula, although different views may be entertained of the wisdom of their efforts, I am persuaded, Sir, that those differences of opinion, and those different views, will form no ground of dissent from the present motion. The question before us is, whether the officer selected in the first instance by his Majesty, and subsequently confirmed by his royal highness the Prince Regent, to direct the military operations in the peninsula, has, or has not conducted himself with such distinguished zeal, and such consummate professional ability, as while it does infinite honour to himself, does infinite honour to the country, whose armies he was appointed to command? Sir, the impression of the House on this subject is evident; and, under such an impression, I feel that it would be a gratuitous trespass on their time, to enter into any detail of those various achievements of the gallant earl, which have on former occasions received the distinct and repeated approbation of parliament. The circumstances under which his royal highness the Prince Regent has, for the last twelve months, exercised the royal authority, have prevented him at an earlier period from adequately marking the high sense which he entertained of the merits of that distinguished general. His Royal Highness, however, has availed himself of the first opportunity of conferring on lord Wellington the honours which are so justly his due. It is a singular coincidence, that as the services of the gallant earl were the latest object of reward to the royal authority, which for the last year has been in abeyance, so they are the first object of reward to the illustrious personage who has assumed the unrestrioted exercise of that authority. Our own conviction of the merits of lord Wellington is well known. But the committee will observe that Great Britain does not stand single in the opinion which she entertains of his deserts. They have been the uniform theme of the applause of our allies, an applause peculiarly manifested at the close of the last distinguished operation in which lord Wellington was engaged; for when the tidings of that great victory reached the Spanish government, they marked their sense of its value by a signal and honourable stamp of their high approbation. To the merit of this service indeed, the recent dispatches of the enemy themselves afford ample testimony. Those dispatches declare that the occurrence appears incomprehensible. In the first instance, the French general speaks of the great importance of the fortress of Ciudad Rodrigo, and boasts of the preparations which he has made to relieve it, holding out to his master expectations of the most glorious result to the French arms. But when he subsequently learns that this fortress, which he had calculated that it would take nine or ten days to subdue, was reduced in as many minutes, astonishment and dismay take the place of confidence and elation.—Sir, I am convinced that the committee will unanimously agree with me, that we have but one duty to perform on the present occasion, and that is, to adopt the recommendation of his royal highness the Prince Regent, with respect to the proposed grant to the earl of Wellington, for the purpose of enabling him to support the dignity which has been so richly earned, and so promptly conferred. I therefore move, "That it is the opinion of this committee, That the annual sum of 2,000*l.* net, be granted to his Majesty out of the consolidated fund of Great Britain, to enable his Majesty to grant the said annuity to general the earl of Wellington, in addition to the annuity already granted by parliament to the said earl, subject to the same limitations as con-

Digitized by Google

tained in that grant, in consideration of the eminent and signal services performed by him in the course of a long series of distinguished exploits in the campaigns in Spain and Portugal."

Mr. *Whitshed Keene*.—Sir, I do not rise to oppose the right hon. gentleman's motion as I agree to its principle, but as I am not satisfied with the manner it is proposed to carry it into effect, I beg leave to trouble the committee with the reasons of my disagreement. It is well known that the commanders of armies under all governments possess the means of enriching themselves by various modes, which attend the power of the sword, and we are not without examples of this power having been effectually exercised both in this island and on the continent by British commanders. In the East, where this illustrious soldier began his active military career, where power peculiarly affords those means, he was invested with high command. During a series of successful and glorious achievements which afforded him opportunities of enriching himself according to the usage of India, it is well known he did not yield to such temptations, but made the service of his country and his own fair fame his only objects. The acknowledgments of the people of those countries, and the sentiments of the armies he commanded, bear unequivocal testimony to his conduct. What has been his conduct since he has been employed in Europe? In the first of the four years of our military operations in the peninsula, by the most brilliant achievements he acquired the thanks of this House, and the gratitude of his country, and had he not been disturbed by an incomprehensible jumble of commanders, those achievements would have been as profitable to his country as they were glorious to himself. During the last three campaigns, being freed from such impediments, he has raised the military character of Great Britain to stand foremost in Europe, having by skilful combinations and bold manœuvres, baffled and defeated the most boasted generals and the best armies of France. During this career the same disinterestedness has marked his conduct. The crown of Portugal appointed him its captain general, and placed him in the Regency. The governing power of Spain gave him high rank in their armies; both these countries desired that he would accept the large emoluments attached to those situations. He refused those emoluments from both those governments; he disdained to receive any but from his own, when at the same time he drew on his private fortune, to supply the deficiency of his British appointment, to support the expensive hospitality, &c. becoming in his situation. His claims on the justice and liberality of this House do not end here. This House well knows the enormous unavoidable expence inseparable from the Commissariat Department attached to a British army serving abroad. It is also well known, that enormous fortunes have been accumulated (perhaps in some instances fairly) by contractors for its various necessary supplies. It is known that lord Wellington has now under his command the largest British force (taken in all its branches) that ever was employed in one service out of Great Britain. But perhaps it is not known that this illustrious soldier, in addition to his military talents, is a most able commissary general; and while he forms and directs those combinations and movements so glorious to his country and himself, superintends and controls the measures for supplying his army. The same military skill by which he defeats the enemy's tactics in the day of battle, enables him in most cases to foresee their measures, and anticipate the points and the times where supplies will be wanted. His own pure spirit, incessantly exerted, pervades all the branches of this department, and prevents the abuses to which it may be subject. This House has seen by the frequent regulations introduced into it, the difficulties attending the establishment of order and settling accounts of this expenditure. There is every reason to expect that what is incurred under his controul, will be attended with an œconomy hitherto unknown in that line, and at the same time will be so simplified as to require no delay in going through the accounts. The House will be able by comparing the relative expenditures under his command in this army, with those of former armies, to determine the degree of obligation which his country has to him in point of œconomy. It is on these grounds, Mr. Chairman, that I cannot avoid expressing regret at the inadequacy of what the right hon. gentleman proposes. But I, in some degree, console myself, from the persuasion, that if Divine Providence shall preserve a life, of which he is too prodigal, his further services will so force themselves on this House, as to oblige it to compensate the narrowness of the present proposed vote.

Digitized by Google

Mr. *Fremantle* declared, that he had seldom experienced an occasion in which the discharge of his public duty corresponded so completely with the gratification of his private feeling. The conduct of the gallant earl who was the subject of the motion had always been most exemplary; but in the present instance he was persuaded that there would not be a dissenting voice in the committee. The desert of lord Wellington was acknowledged by the whole world. It was quite unnecessary to go into a detail of his manifold services. He had been a soldier from his earliest youth, and his country had ever derived the greatest benefits from his exertions. It was not merely by strict discipline that he was enabled to secure the self-devotion of his soldiers, it was by his attention to their wants, and by his kind and condescending conduct towards them. Invariably persevering and zealous, lord Wellington never allowed personal convenience or advantage to tempt him from the line of his public duty. When to fight was necessary, he bravely fought; but he never permitted any artful or affected demonstration of the enemy to induce him to lead his army into a contest, the consequences of which he could not clearly anticipate. It was useless, however, to dilate on the merits of this distinguished general; and he should therefore content himself with expressing his most cordial concurrence in the motion.

Sir *F. Burdett* said, that although he was the last man who would oppose any proper remuneration to those from whose exertions the country had derived benefit, yet he could not agree to the motion on the grounds upon which it was attempted to be supported. He allowed that he, as well as the House at large, was a very incompetent judge of the merits of a military commander, more especially in the comparative ignorance of the facts under which he necessarily laboured; but from all he did know from the army list, and from the estimates on the table, it appeared to him that lord Wellington had under his command a very large force. Now he had always understood that the merit of a military commander consisted in the being able to accomplish a great object with inadequate means. In his opinion, it was impossible to conceive less done with such ample means than that which lord Wellington had achieved. [Laughter, and cries of hear, hear!] He had no wish to detract from the well-earned reputation of any man; but marks of disapprobation were no proof of the fallacy of his statements. Let the committee recollect the force which lord Wellington had commanded. In the first place, 54,000 English troops of the line, and 30,000 regular Portuguese troops in British pay, and said to be equal in discipline, making in the whole 84,000 troops of the line. To these were afterwards added 30,000 more regular Portuguese troops in British pay, making above 110,000 troops of the line. It had also been stated that the Portuguese government maintained 10,000 troops, being in the whole above 120,000 regular soldiers. To these were likewise to be added the Portuguese militia, consisting of 80,000 men, forming the grand aggregate of an army of above 200,000 men. It must also be recollected that the ordinanza of Portugal amounted to 13,000 men. Under such circumstances, and with such a force at his command, he was really at a loss to conceive how lord Wellington could justly be entitled to the praises bestowed upon him by the right hon. gentleman. Did the committee recollect the entrance into Portugal of general Massena with 60,000 men, who advanced 300 miles in an enemy's country, the most difficult and inaccessible in the world, who maintained their ground for such a considerable period of time; whom famine alone compelled to retreat, and who, when they did retreat, although they retired in the face of a superior army, and through an hostile population, lost no single advantage, but maintained themselves unbroken and untouched? Was there much cause of triumph on that occasion? And in the present campaign what had been obtained? Ciudad Rodrigo! He had been informed by military men, that this was a fortress which any army preponderating at the moment must inevitably reduce; that the outworks were of little avail, and that it required a garrison of 4,000 men. The garrison which it contained, however, when attacked hy the British, did not exceed 1,500 in number. The place was assaulted by 12,000 troops, and as a proof of its weakness lord Wellington himself said in his dispatches, that the feint, which was not meant actually to operate, had really succeeded in taking the place. (Hear, hear!) Gentlemen cried "Hear, hear!" What he had stated might shew valour in the troops; but it was a strong proof of the weakness of the place. To

Digitized by Google

lay such stress on a victory like that, to ring the bells and fire the guns for it, was to shew the country to be in a most fallen and degraded situation. In another quarter the French had achieved considerable advantages. Suchet had conquered Tarragona, Murviedro, Valencia and other important places, and in the course of the campaign, had sent to France 47,000 prisoners, including 2,000 officers, among whom were Blake and some of the most distinguished individuals in the Spanish army. Badajos, notwithstanding the evident anxiety of the British general to relieve it, had fallen. In the attempt to succour that place, 12,000 men had been lost at the battle of Albuera.—(Hear, hear!) He presumed that his statement was an exaggeration.—(Hear, hear!) At any rate lord Wellington had been compelled to retreat. And yet of how much greater importance was Badajoz than Ciudad Rodrigo! The former only 120 miles from Lisbon, and the access to that city easy and unmolested; the latter 320 miles distant from it, and the approach guarded by formidable passes. Badajos, however, had been left to its fate by lord Wellington, and we ought to balance accounts with him. A pension of 2,000*l.* had been conferred upon him before the loss of that important place, but it had not been withdrawn since the loss. The joy manifested on the reduction of Ciudad Rodrigo, was for the purpose of public delusion; but even had that fortress been of much greater importance, he thought few would contend that its reduction would materially influence the final issue of the war in Spain. In the mean while if the people of England were to pay so dearly for such advantages, as they were termed, the sooner that war was over the better. He was decidedly hostile to the war, as a cheat upon the country, professing as it did to be for other objects, while it really went to support bigotry and despotism. There was one fact which, in his opinion, was decisive with respect to the probable termination of the contest. It was notorious, that wherever the English had power in Spain, the Inquisition was established; wherever the French had power, that detestable institution existed no longer. Was that the kind of liberty which Englishmen were called upon to maintain with their blood and treasure? He had already described what in his opinion would be sufficient grounds for rejecting the motion; but his strongest and most insuperable objection remained behind—the state of the people of England. Driven to desperation by the oppressiveness of the taxes, and the general stagnation of trade, was this a season for loading them with additional burdens? In his opinion it would be most indefensible to grant such a sum from the public revenue, at a moment when the situation of the empire had forced itself on the consideration of parliament; and when parliament had been able to devise no better means of counteracting the effects of hunger and despair, than by increasing the number of capital punishments. The people called for relief, and parliament had given them a halter. Far better would the money which was now moved for be applied in the alleviation of those distresses; and he had hoped that, before parliament had consented to hang men for offences prompted by necessity, it would have at least inquired into the mode of preventing a recurrence of such events. In the present state of the country, therefore, he could by no means agree to the motion; but if the reverse of this melancholy picture were true he should still object to it. If the hope which existed with respect to the issue of the contest in the peninsula were as flattering, as in his opinion the despondency was just—if the achievements dwelt upon with such emphasis had been as great as in his opinion they were unimportant—if the state of the country was as flourishing as it was depressed, and, in his opinion, almost hopeless—still he should oppose the motion, while government possessed other funds from which the grant might with more propriety be derived—funds from which pensions and allowances were issued unfit to meet the public eye. At least, until those funds were expended, and not even then, would he consent, for such a purpose, to draw upon the already exhausted pockets of the people. The object of the grant was to confer additional splendour on lord Wellington. If this splendour were transparent as well as brilliant, if the situation of the country could be seen through it, what a mass of human misery would it disclose!

Mr. *Canning* declared, that had he anticipated any possible difference of opinion on the motion before the committee, it would have been on the amount of the grant, which, in compliance with the gracious message of the Prince Regent, it

Digitized by Google

was proposed to make to the noble and gallant earl who was the just object of his Royal Highness's favour and recommendation. In this view of the subject, had the suggestion of an hon. gentleman (Mr. Whitshed Keene) to increase the grant, been reduced to a formal proposition, he should certainly have voted for it, had he not been withheld by the wish that such a question should pass the House with unanimity. But really for the species of dissent which the hon. baronet had adopted, he confessed that he was wholly unprepared. He did not pretend any more than the hon. baronet to be capable of judging with the skill of a tactician the conduct of military men and military measures; but it was impossible for any man, however ignorant of military affairs, to look at what had been, and what was—to consider the former and the present state of the peninsula—to recollect the existing feelings of the country, and those feelings when that eminent and distinguished commander, lord Wellington, was appointed to direct the energies of the British army—without paying him that homage of applause which his unrivalled talents and unwearied exertions so loudly demanded. Little would the observations of the hon. baronet avail in persuading Englishmen not to reward one who had contributed so essentially to the advantage and to the honour of the empire.—The hon. baronet had introduced into his speech several topics, on which, although he (Mr. C.) owned that they were but remotely connected with the question, the House would perhaps permit him to touch. He would begin with the allusion of the hon. baronet to the distresses of the manufacturers. "Good God!" exclaimed Mr. Canning, "let the state of commerce and manufactures be what they may, and no man laments the depression which they suffer more than myself, is this a period when Englishmen are to be advised—not to purchase military glory, for that is already our own—but to abstain from expressing gratitude for such services as lord Wellington has performed, because, forsooth! there is a class of the community whose distresses we pity—whose distresses we would most willingly relieve—but whose distresses, I believe from my soul, would be infinitely aggravated, if, by listening to the suggestions of the hon. baronet we were to consent to degrade the national character."—The hon. baronet had next contended, that if this grant were made at all, it ought to be made out of those funds which, according to him, government had abused. Was it so? Were these funds proper subjects of the jealousy and suspicion of parliament? Were they lavished on persons without merit or pretensions? If so, he, for one, would not agree that out of those funds such a man as lord Wellington should be rewarded: he, for one, would not agree that the baseness of the purpose to which (according to the hon. baronet) they had hitherto been applied, should be ennobled by such a dignified appropriation of them.—The next subject on which the hon. baronet had indulged the House with his opinion, was the merit of Suchet. The hon. baronet, after having (let it be observed) disclaimed any military skill or knowledge, had placed Suchet in a much higher rank as a general than lord Wellington; and had blazoned out, with great apparent satisfaction, deeds, which, as he said, had extorted the applause and admiration of mankind. In answer to all this, it would be sufficient for him to observe, that Suchet's military skill was not the subject of the present motion. As he was not yet aware that it was the intention of the hon. baronet to move an amendment to omit the name of Wellington, and insert that of Suchet, he would abstain from further observation on the subject; assuring the hon. baronet, however, that whenever he chose to bring forward such a proposition, he was prepared to meet him; and disclaiming all ungenerous solicitude to diminish the deserved reputation even of an enemy.—Generally, however, the hon. baronet characterised the exertions of the noble and gallant earl, as unworthy of the rewards which a grateful country was anxious to bestow upon him; and he particularly described the immediate achievement in which the present question originated, as unimportant and unavailing. He (Mr. Canning) looked upon that great man in a very different light. He considered him as a pre-eminently able and successful commander. Let the committee recollect that lord Wellington was sent out to save Portugal, at a moment when Portugal was in extreme danger, and that at the present moment there was no question with respect to her safety. Let the committee recollect, that when lord Wellington was sent out to endeavour to save Portugal, he was empowered

Digitized by Google

after that first service to extend his exertions to Spain, then in a state approaching to desperation, and that after having performed that first service in Portugal, the noble and gallant lord did extend, and successfully extend, his operations to Spain. To the one country he had given salvation—to the other hope. When such homage had been paid to this distinguished individual by the countries which he had so essentially assisted, was it becoming in his own country to doubt his desert? For his part, he could not persuade himself that there was a second man in the House of Commons, who, when he saw that the first act of those prerogatives which had lain dormant so long, (how properly he would not now argue) was to mark with distinguished honour the individual whom, by a singular and illustrious coincidence, it was the last act of those prerogatives to mark with distinguished honour, would hesitate to hail with joy the opportunity afforded him of sharing in that general sentiment of applause and gratitude which pervaded the whole community. The hon. baronet grudged the noble and gallant earl the paltry sum of 2,000*l.* per annum. Far different was the conduct of the countries who had the most immediate means of ascertaining his merits. In addition to the title of Conde de Vimiera granted him in Portugal, was a revenue of 5,000*l.* a year. As captain-general of Spain, lord Wellington had a salary offered to him of 5,000*l.* a year; and as marshal of Portugal, 7,000*l.* a year. These sums, amounting to 17,000*l.* a year, were granted for services by the foreign countries in which those services had been performed. It was proposed to give him 2,000*l.* a year, in his own country, and the hon. baronet lifted up his hands and eyes at such a gross violation of public economy! These rewards, however, offered by foreign gratitude, were declined by the distinguished person on whom they were bestowed. "No," said that truly noble lord, "in the present situation of Spain and Portugal I will not receive these rewards. I have only done my duty to my country; and to my country alone I will look for recompense." (Hear, hear!) The hon. baronet, it seemed, knew the interests of Spain and Portugal better than those countries did themselves. The hon. baronet contended that the one had purchased her salvation, and the other her hopes, at too dear a rate: he was apprehensive that our allies were running riot with joy, and was solicitous to correct their exuberant feeling, and to shew them that they had not the just grounds for exultation of which they fondly imagined themselves to be possessed, by endeavouring to persuade the economical parliament of Great Britain—the legislators of this mighty empire—that the services of lord Wellington were not worth 2,000*l.* a year! The hon. baronet had taken an opportunity, not perfectly in order, of going into the policy of the war in the peninsula. With this lord Wellington had nothing to do. The crown and the parliament had sanctioned the system; and it was only for him to execute their orders in the most skilful and advantageous manner. From the vote of this night no fair inference could be drawn either in approval or disapproval of the war: the two subjects were entirely separate and unconnected. But, guarding himself from being supposed to ground the vote which he should give on that consideration, he might, perhaps, be permitted to say, that the last achievement of the noble and gallant earl, whatever might be its military merit, would have a moral effect, which, at the present critical moment, must operate most powerfully throughout the peninsula, by preventing those dazzling consequences which the glories of a rival general might otherwise occasion. It was an event happy and auspicious, and he was persuaded that it would be difficult to find its parallel in military history, out-running as it did, not more the sober expectations of those who were friends to its successful termination, than the fears of a provident enemy. With respect to the cause of Spain, of that cause he did by no means despair. On the contrary, he thought there were some recent circumstances, and more particularly the renovation and reinvigoration of the Spanish government, which held out a brighter hope than any which could hitherto have been cherished, which called upon the British government not to contract, but to extend their operations, and which not merely justified them for the exertions which they had hitherto made, but reflected on their efforts the highest commendation. (Hear, hear!) But this matter was foreign to the question, and the only excuse he could make for having touched upon it was, that he was not answerable for its introduction.—He repeated his wish, that

Digitized by Google

the sum to be granted to the noble and gallant earl was larger. It was far from being adequate to the extent of his services, more especially when it was considered how much he had had in his power, and how much he had rejected; but being anxious to avoid any thing like dissent on such a question, he would not press the adoption of a larger sum. He was sure, however, that the committee would cheerfully and unanimously join with his royal highness the Prince Regent in the noblest exercise of the regal prerogatives, by evincing the gratitude of the country to a distinguished individual who had rendered himself an honour to the present age, and an example to posterity.

Sir *F. Burdett*, in explanation, complained that the right hon. gentleman had chosen entirely to misrepresent him. The right hon. gentleman first disclaimed all knowledge of military tactics, but immediately afterwards,

"Mark the humility of Shepherd Norval!"

he pronounced a decided opinion on the conduct of the war in the peninsula. As for himself he had only contrasted as matters of fact the exploits of lord Wellington, with what had been done by the French general, who in the course of one campaign had sent 47,000 prisoners to France, and had taken Tarragona, Saguntum, and Valencia: and even though Suchet was the enemy of this country, he must be allowed to admire the great military talents which he had displayed. During the same period, we had little else to set off against such signal successes but the capture of Ciudad Rodrigo, a town that might be taken three or four times in the course of a campaign, and produce very little effect on the fate of the war. The right hon. gentleman had totally misrepresented him, when he thought fit to hold him up as a blazoner of the merit of the French general, and the depressor of that of the English one; and the attempt of the right hon. gentleman to place him in such a situation was completely unjustifiable. The right hon. gentleman seemed, however, to scout the idea of taking this grant to lord Wellington from those sources of revenue that were at the immediate disposal of the crown. He seemed to consider these sources as disgraceful, and that it would be infamous to apply them when real merit was to be rewarded. This being the right hon. gentleman's reasoning, he trusted he should have his vote for the abolition of these sources of influence, when the subject of sinecure offices was brought under the consideration of the House.

Mr. *Canning* replied, that the hon. baronet had mistaken the nature of his reasoning on the subject of the pecuniary grants which it was in the power of the crown to bestow. The hon. baronet had been in the habit of calling such grants disgraceful to the receiver; and yet had proposed that the present annuity to lord Wellington should come from revenue immediately at the disposal of the crown; and when he used the term "disgraceful," as applicable to them, it was only to shew that the hon. baronet was prepared to reward lord Wellington from a source which he, the hon. baronet, thought disgraceful. On the subject of sinecures, he had delivered his opinion on a former occasion, and would now state it to be simply this; that the crown should have at its disposal the means of rewarding merit, but that it would be better if the funds for that purpose were not of the nature of sinecure offices, on which it was natural for the country to throw considerable obloquy. The hon. baronet complained, that he had been misrepresented as the blazoner of Suchet; and that he did not mean to contrast that general with lord Wellington. In reply to this, he would say that he had carefully avoided misrepresentation. "Comparisons were odious," but since the hon. baronet had disclaimed the idea of contrasting the British with the French commander, he would content himself with observing, that though such an effect was doubtlessly not meant, yet certainly what had fallen from the hon. baronet tended, as much as any thing that ever fell from the hon. baronet could tend to do any thing, to lower lord Wellington in public estimation. He had seen several military men of high character, who had witnessed the capture of Ciudad Rodrigo, and who concurred in describing the exploit in the most glowing language, and in considering it as the most brilliant achievement of the war.

Earl *Temple* took that opportunity of declaring his hearty assent to the present motion. He had hoped from the manner in which the subject had been introduced by the right hon. gentleman, that while the members of the House were unfortunately divided on so many points, at least they might rest on this with unanimity. He would not enter at all into the policy of the war in Spain, for the House had now only to determine whether lord Welling-

Digitized by Google

ton had deserved well of his country; and as to the argument against the vote drawn from the distressed state of our manufacturers, he conceived, that if allowed at all to operate, it would only produce a still further depression of the spirits of the nation. As to the importance of the recapture of Ciudad Rodrigo, he would refer to the opinion manifested of it by lord Wellington's opponent. That officer said, it had been so fortified, that the outworks alone might have stood a ten days' siege, and he pronounced its rapid reduction an incomprehensible event. This was a sufficient answer to what had fallen from the hon. baronet on this subject; and he must say, that if two separate sums had been proposed to the House, he should have voted for the larger.

Sir *C. Burrell* would not have arisen, but for the observations of the hon. baronet; at the same time he was aware that those observations had been most ably and successfully answered by the right hon. gentleman. The hon. baronet had stated the comparative merits of Suchet and of the earl of Wellington; that comparison was not to be endured. What had been the conduct of Suchet? At Tarragona there were between 7 and 800 men, women and children wantonly put to the sword by his orders. (Hear, hear!) What had been the conduct of the earl of Wellington in the late glorious service? Not a single life was lost in the city, with the exception of those on the ramparts. He had not dragged forth the defenceless to be inhumanly butchered and murdered. He had spared their lives after the conquest, and 1,700 prisoners were marched out of the place. The comparison of the merits of the two commanders was so strikingly erroneous, that he could not avoid the expression of his feeling, in common with other gentlemen so diametrically opposite to those of the hon. baronet, and to give his testimony in favour of the noble earl. He thought that he should ill deserve the support of his constituents in Sussex, if he went down among them without having marked the sense which he entertained of principles such as had just been avowed by the honourable baronet.

The motion was then put and agreed to, with the single negative of sir F. Burdett.

MONUMENT TO THE MEMORY OF GENERAL CRAUFURD.] The *Chancellor of the Exchequer* observed, that after the discussion which had just taken place, when the House was animated with those feelings which the eminent services of the noble earl had aroused, it would be a pleasing, though melancholy task to do justice to the character of major-general Robert Craufurd, who, at the head of the storming party which he most gallantly led to the attack of Ciudad Rodrigo, received a severe wound, which ultimately deprived him of life, and left the country to lament the loss of a most able, skilful, and gallant officer. The only means of recognising the merit of his services, would be by the erection of a monument to his memory, and therefore moved, "That an humble Address be presented to his royal highness the Prince Regent, that he will be graciously pleased to give directions that a Monument be erected in the cathedral church of St. Paul, London, to the memory of major-general Robert Craufurd, who died in consequence of a wound he received on the 19th day of January 1812, while he was gloriously leading on the light division to the storm of Ciudad Rodrigo, by which that fortress was wrested from the possession of the enemy; and to assure his Royal Highness that this House will make good the expense attending the same."

Lord *Castlereagh* regretted his absence during the discussion on the late vote, which precluded him from adding his tribute of applause to the character of the earl of Wellington—an applause which, with the exception of the hon. baronet, and, perhaps, of a very few persons out of doors, would be found general. The character of the lamented major-general Robert Craufurd rested on his own merits, and was but to be appreciated by the testimonies of the gallant army in which he bore command; that army, on his return from abroad, had recorded his merits, by an involuntary burst of applause, when he first appeared on parade. The noble lord could not avoid partaking of the feelings which his brother officers evinced when recollecting his merits; his character had been observed by another officer nearly allied to the noble lord. After he had received his death wound, to the moment of his death, he was at the foot of that breach which had been effected by his determined gallantry: the testimony and admiration of his conduct which the illustrious army had shewn, would serve as a remembrance of his departed worth.

Digitized by Google

The motion was then agreed to, *nem. con.*

Navy Estimates.] The House having resolved itself into a Committee of Supply,

Mr. *Yorke* rose to lay before the committee the Estimates for the service of the Navy during the present year. The principal feature of difference, he observed, would be found in a reduction of about 500,000*l.* below the estimates of the last year and of the year before the last. He did not feel it incumbent on him to go into much detail on the subject, but should be extremely willing to answer any questions or communicate any information that might be deemed desirable. The grant for which he should then move would fall short of the vote of last year in another sum of 80,000*l.* appropriated to the expences of the new Breakwater in Plymouth Sound. As this subject was soon to be taken into consideration, he thought it better to defer moving for that sum at present. The right hon. gentleman then gave a short history of the reductions effected in the navy debt during the two last years. From these savings, and partly owing to the liberal provision made last year by parliament, he felt himself justified in concluding from the state of part of the naval expenditure which was called Wear and Tear, the service would require a sum less than that of last year by 514,000*l.* There was only one additional point to which he wished to call the attention of the House, and that was, the propriety of making some further provision for the chaplains in the navy. From various causes the original fund had become quite inadequate to the due support and maintenance of this class of persons. There were now in the whole service but thirty-nine chaplains, and he was persuaded the House would coincide with him, that religious advice and consolation were not less requisite to our naval forces than to other men. The schoolmasters' fund had become equally inadequate; and it was therefore his intention to propose 30,000*l.* for the purpose of making a more suitable provision. This plan was to unite the two employments, and to give 265*l.* per annum to each individual fulfilling the duties of both, which, with the other incidental advantages, might perhaps be deemed a sufficient remuneration. After serving ten years in what was called a sea-going ship, they should be entitled to a pay of 5*s.* per day, and to retain it until they should enjoy church preferment equal to 400*l.* per annum. He should trouble the House no further at present, but move, "That it is the opinion of this committee, that a sum, not exceeding 1,038,514*l.* 3*s.* 2*d.* be granted to his Majesty, for defraying the salaries and contingent expences of the admiralty, navy pay, navy and victualling-offices and dock-yards, also of the officers of the outports and foreign yards, the wages and victuals to officers and ship-keepers of vessels in ordinary, the expenses of harbour mooring, and rigging, the ordinary repairs of ships and buildings in the dock-yards, and bounty to chaplains, for the year 1812."

Mr. *Calcraft* said, that he did not rise to give any opposition to the motion, because he considered the estimates quite unexceptionable; he wished merely to allude to some petitions which he had thought it his duty some time since to lay before the House, and which came from the working-people in several of his Majesty's dock-yards. They chiefly complained of the hardship of being charged with the Income tax; and although he himself had no opinion one way or the other of the justice of so charging them, yet he hoped that government would take their case into consideration.

Mr. *Yorke* assured the hon. gentleman, that he was quite misinformed with respect to the situation of the shipwrights in his Majesty's dock-yards: they complained without reason, and government could not help men who chose to be perverse. He hoped, however, that that good sense which was the characteristic of Englishmen, would teach those people to be contented under the circumstances of their station in life. What reason had they more than any other of his Majesty's subjects to be exempted from the Income-tax?

Mr. *Calcraft* was obliged to the right hon. gentleman for his explanation, which he would communicate to the petitioners, who were men of sense, not at all inclined to be perverse.

Mr. *Grenfell* observed, that in the estimates he saw no statement of the expence of the establishment formed some years ago in Portsmouth yard, for melting and re-manufacturing copper sheathing. In any observations he might make upon the subject, he did not mean to impute any blame whatever either to the Admiralty or the Navy board; but having been in the dock-yard at Portsmouth last summer, he had inspected the

Digitized by Google

copper sheathing made there, and did not hesitate to say, that it was of a quality that would have caused its rejection by any private ship builders in the kingdom; he had also reason to believe that this inferior article cost the public much more than good copper could have been obtained from the private manufactories of the kingdom.

Mr. *Yorke* said, the copper which the hon. gentleman had seen, was copper taken off the bottoms of ships which had been sheathed with contract copper.

Mr. *Grenfell* replied, that the right hon. gentleman had misunderstood him, for that the copper which he had seen at Portsmouth was new copper made at the Portsmouth mill.—He did not consider the House of Commons a proper place to investigate the comparative merits, either in point of quality or price of copper, or any other article. But if the right hon. gentleman would order an investigation to be made into the subject at the Admiralty, and would furnish him with such accounts as he would point out as necessary for the subject, he was confident that the right hon. gentleman would be convinced that the copper sheathing furnished by the Portsmouth mill was worse in quality, and higher in price, than the article could be bought at from private manufacturers; and if so convinced, he was confident that no person would be more anxious than the right hon. gentleman himself to correct the abuse complained of.

Admiral *Markham* conceived that the only objection to the Portsmouth copper was, that it was put into the rollers before it was cleansed. With respect to the proposed arrangement respecting the chaplains, he wished to see the duty of the schoolmaster united to that of the chaplain. The hon. admiral then alluded to the construction of a new ship called the Tremendous, and trusted there were not many more to be built upon the same construction, as he understood the timbers were rotten.

Mr. *Yorke* replied, that the report on that ship would, he believed, convince the House that the Tremendous was not rotten; the only doubt was as to her decks. There was, he could assure the hon. admiral, only one more ship to be built on that principle.

Admiral *Harvey* approved of the proposed amelioration of the situation of the chaplains, and the combining with it the instruction of the youth of the navy. It was well known that navy officers went to sea at such an early period of life, that they were nearly precluded from the advantage of previous education.

Mr. *Johnstone* observed, that at the time of the battle of Trafalgar we had only 125,000 seamen; that since that period our naval success had been constant and progressive, and yet we now thought proper to keep up a naval force of 145,000. Sir Francis D'Ivernois was well known to be no friend to the French government; but he had thought proper to praise the distinct mode in which the French public accounts were kept. From these accounts it appeared that the French naval expenditure had been gradually diminishing since 1803. He merely made these observations, because there was a sort of feeling of partiality for the navy throughout the country, which was very apt to make us forget that a great part of that money which was expended on it might, perhaps, be much more profitably employed in carrying on the contest on the continent.

Mr. *Yorke* believed the hon. gentleman to be misinformed with respect to the state of the French navy. The hon. gentleman had referred, in proof of this, to the French public accounts. He was himself sufficiently acquainted with the French accounts, to know that it was extremely difficult to obtain from them a satisfactory idea of the amount of any branch of public expenditure. But he could tell the hon. gentleman, that the French had been lately labouring inconceivably to augment their navy; that every month added considerably to it; that at present there were not fewer than twenty-five sail of the line in the Scheldt, and thirty-five ships of the line in the different ports of Holland. At Toulon, Venice, and Genoa they were also building ships to a considerable extent; and he believed their naval force was, upon the whole, little short in the Mediterranean of what it was in the North Sea. If the French were exerting themselves to such an extent, surely we ought to be sufficiently prepared to meet them at all points; if once the naval force was to be lowered, and an exigency arose, it would be difficult to increase it. We ought to be fully prepared to meet them in all parts of the world. An inferior navy would be a great detriment to this country.

Lord *Cochrane* hoped, that, as a deviation from mere detail was allowed when

Digitized by Google

the Army Estimates were in a committee, it would not be entirely out of course to offer a few general remarks while the supply of the Navy was before the House, not with a view to oppose the supply for the ordinary establishment of the navy, but as to the proper application of the enormous sums granted for that service generally, to which nothing could in his opinion, contribute more than that the Board of Admiralty should not be considered as a mere appendage to the minister of the day, and be displaced by every agitation of the political system—thus misapplication of means was rendered perpetual; for, just as the members acquired some knowledge of their complicated duties and of the powers they ought to direct against the enemy, then they were displaced to make room for others of no experience. The observations which he had to address to the chairman, related chiefly to the means of annoying the enemy which the government possessed in a right disposal of the naval force of the country, which at present was totally useless except for the purpose of passive blockades. Had 5,000 men with attendant naval transports been kept in readiness in such a central situation as Minorca, for instance, it would have been impossible for the French to have made any progress on the eastern side of the peninsula; for no sooner should the enemy have laid siege to Tarragona, Valencia, Alicant, or any other place, than their affairs might have been reversed at the other extremity. Rosas, for instance, was within twelve hours sail of Minorca and about eighteen from Alicant, whereas on the other hand it was a twenty-five days march at least from Alicant to Rosas. Comparing the respective populations of Britain and France, it was impossible to think of carrying on an equal warfare in the peninsula. A greater number of men than all the British who were at present there, must perish before it could be possible to drive out the French. The desultory nature of naval warfare was, in his opinion, the best calculated for that purpose, and for this we had the highest authorities in ancient and modern times. If the French, with a contemptible flotilla, could keep this country in alarm, what was our gigantic navy not capable of doing? The whole of France lay at the mercy of the British ministry. Had the enemy a naval superiority and only 10,000 disposable troops, on what part of the shores of England could people repose in tranquillity? The war as at present conducted could not possibly have a successful termination. It was a great misfortune that the House of Commons listened to nothing which was beyond the sphere of their own knowledge; and when any professional man, like himself, rose up to give information, party was immediately thrown in his teeth; factious motives were instantly imputed, however pure his wishes for the good of his country. He put it to the committee, whether the whole force of this country was not on the alert, and almost concentrated on the coasts of Kent and Sussex, when an invasion was threatened by a contemptible flotilla of the enemy; and if so, what might not be done, if the gigantic naval power of England was to threaten the enemy's shores? It was his sincere opinion, that the whole coast of France was completely at the mercy of his Majesty's ministers. The noble lord next adverted to the coasting trade carried on by France, and which it was in our power to destroy. That trade existed to an extent almost incredible. It was in our power to dismantle their batteries,—to blow up their towers,—and, above all, to destroy that chain of signal-posts, by which a telegraphic communication was kept up from Flushing to Bayonne, and from the south-east point of Spain to Venice. Each of those signal posts could be successfully attacked by ten men, as except in a few situations they were exposed, and seldom had above two or three maimed soldiers to conduct them. He had no interest whatever in forcing those observations on the attention of the committee, and he hoped the right hon. gentleman would not think them altogether unworthy of his consideration. He should not, he said, attempt at that time to say more; but he trusted that members who were far more capable to do justice to the subject than he could pretend to be, would turn it in their minds, and bring the subject forward, or that his Majesty's ministers would investigate the truth and act accordingly. In either case he was certain attention to the hints he had thus thrown out could not fail of being attended with the most beneficial results to the country. He did not think ministers, in not having attended to the subject, were so much to blame as the House, for they were, or ought to be, the guardians of the public purse; but he was

Digitized by Google

sorry to say the practice of the House was to vote estimates to a very great amount without at all troubling themselves to enquire how those estimates were applied. Besides the signal posts he had mentioned, there were placed along the whole coast of Spain many small parties of soldiers in churches, convents, and other buildings, for the purpose of keeping the people of the maritime towns in awe, and passing along supplies to the armies, which supplies it was in our power to intercept, as the only practicable military road was within a pistol shot of the margin of the sea. The smallest assistance would encourage the people to rise upon them. But without such assistance they were afraid to do so, knowing that the French would burn their houses, violate their wives, and murder themselves. This he had seen them do. During all the time he was off Catalonia, the French had barely sufficient force to defend themselves against the natives; and in every enterprise which they undertook they were foiled. It was notorious, however, to all the world, that the attention of ministers was always engaged exclusively on one or two objects, and that they never took an extended view of things. If our commander on that coast had had discretionary powers to supply Figueras, which was the key of Catalonia, with provisions, it could not have been taken by force, for it was impregnable. If government would only act in a proper way, it was impossible that Buonaparté could go on a twelvemonth longer. The noble lord referred to the American war: had ministers during that war, instead of marching large armies through the country, only transported 10,000 men from one place to another, they would soon have laid waste the whole sea coast, and the country must have submitted. He wished the House to reflect on what he had already stated, respecting the reform of the Admiralty court laws; for if they would appropriate one million a year which was nearly the double of what was actually derived from the practices he wished to see abolished, there would be a saving of more than four millions a year to the country on the naval establishment, and the duty would be better performed.

Mr. *Hutchinson* deprecated the species of warfare recommended by the noble lord, which he thought would not be productive of the effects he expected. He then adverted to the statement made by the right hon. gentleman (Mr. Yorke) relative to the appointment of Chaplains and School-masters; and had no hesitation in saying that no qualified person would offer for the latter situation, on account of the smallness of the present salary. Very few ships were provided with schoolmasters, and in those that had them, they were paid by the captain and the young gentlemen. He thought, therefore, that there was no subject more worthy of attention, and he was happy to see that the right hon. gentleman had considered it in that light. The right hon. gentleman had stated the number of chaplains at 30, but he hoped the right hon. gentleman did not mean that that number was sufficient for the navy; and he also hoped that if they undertook the office of schoolmaster, that they might be found able to instruct in the practical parts of navigation, which was so essentially necessary: but he could not help entertaining apprehensions that some difficulty might occur in finding persons so qualified. The hon. gentleman then adverted to the situation of the marine corps, and expressed his regret, that the right hon. gent. had not made any mention of that highly meritorious corps, when he proposed a measure for the relief of the chaplains of the navy. The hon. gentleman said he had stated, on a former occasion, that the pay of the marines might be increased, without creating any additional expence, by not filling up certain vacancies, which would create a saving equal to the purposes required. He would only add, as an instance of the unequal footing on which the marine corps were placed, that the senior commandant was not on a footing with the field officers of the same rank in the army, instead of being entitled to look forward to the rank of a general, which, in justice, he ought to be. The marine corps was also deprived of the proportion of field officers; and he should like to know why the right hon. gentleman was not disposed to advise the ministry, or to recommend to the Prince Regent a more equal management. He was not speaking his own sentiments merely on the subject, but those of the whole body of the marines; and he defied the right hon. gentleman to say, with the Memorial from that corps on the table before him, that he was making any statement on behalf of any individual, or from any private view of his own, distinct from the sense and feeling of the entire of that meritorious body of men, on whose behalf he was

Digitized by Google

speaking. Under those circumstances, he hoped the right hon. gentleman would direct his attention to the situation of this excellent corps.

Lord *Cochrane*, in explanation, defended the system which he had recommended, as peculiarly calculated to injure the enemy's coasting trade, which was the great nursery of his seamen.

Admiral *Markham* wished to know in what branch of the service the saving had been made?

Mr. *Yorke* said, that the saving had occurred on the wear and tear, and the state of the navy debt proved the fact, as it was 900,000*l.* less than it had been last year.

Mr. *Tierney* inquired, whether the saving was an incidental one, or one which proceeded from an economical arrangement? In the latter case it might be permanent; but if the saving proceeded from any other source, he feared that the estimate of next year would more than counterbalance it.

Mr. *Yorke* replied, that it proceeded from the latter, and the amount would be proved by the decrease of the navy debt. It would be remembered that the House, last year, made a very liberal vote for the wear and tear estimates. On experience the whole was found not to be necessary, and it was applied in a different direction.

The Resolution was then agreed to, as were also the other usual annual Resolutions relating to the Navy.

ARMY ESTIMATES.] Lord *Palmerston*, in rising to submit to the House those details which it was his duty to lay before them, wished to state them as succinctly as possible, reserving to himself the right of speaking on any subject which might appear to require a more ample explanation than he might give in the first instance. The expences might be divided into two heads: 1st, those which, like regimental charges, grew on fixed establishments; 2nd, those which, like recruiting charges, were contingent. In the former, every care had been taken to compress them within as narrow a compass as possible; in the latter, the actual expenditure of the last year had been taken as the basis of the estimate for the present.—He would first take the estimate of the Land Forces, which of course was divided into many smaller heads. In this estimate, a considerable increase of expence would be found, and a considerable addition in men, the increase in the expence being for the increase in the numbers. In the first instance, he had to notice an addition of ten men to the Household regiments, and a consequent increase of expence of 1,700*l.* This increase arose from the appointments of Serjeant School-masters. For some years the schools for the instruction of soldiers' children had been supported by no established fund, but by the zeal, intelligence, and liberality of the officers, and by private contributions. The necessity of placing such schools on a regular and permanent establishment, had been strongly felt by the commander in chief, whose attention to the welfare of the army was too well known in that House to require any comment from him. In consequence of this, a school had been established in every battalion in the service, and this led to an expence of 20,000*l.* Out of this the charges for the pay of the Serjeant School-masters, for books and contingencies, were met, and he thought that this expence would neither be deemed useless nor lavish, when the benefit thence derived to the country was considered, and the advantages it afforded to the army.—Another increase of expence arose from an addition of twenty men, which had two years ago been taken from each troop of cavalry. These troops, it was at that time thought, might be dismounted without detriment to the service, but in consequence of the nature of the operations in which we had since been engaged in the peninsula; from the applications made by lord Wellington for cavalry, in order the more effectually to meet the force opposed to him by the enemy, it had been found necessary to remount them. The committee were aware of the difficulty of keeping horses on a distant service, and of the various circumstances which rendered it necessary to send out frequent supplies, and therefore he would not detain them on that subject.—An increase had been made in the regular cavalry of 126 officers, which caused an increased charge of 22,400*l.* In the regiments of the line, the returns of the present year presented an increase of 9,522 men, of which the charge was 277,000*l.* This increase was made by the transfer of a considerable portion of the army which had been in the service of the East India Company, and which had been maintained by them

Digitized by Google

in their territorial acquisitions. These, in consequence of their late conquests, were no longer wanted by them, and were therefore transferred to the crown. In the charge was also included a second battalion, which had been raised within the year to the 12th regiment of foot. The waggon-train had been also augmented. A considerable portion of this force was employed in the peninsula, and from the value set on their services by lord Wellington, two troops, which it had been in contemplation to reduce, were still retained. Of their utility, lord Wellington's last dispatches bore honourable testimony, and two troops had been added, in consequence of the report which that noble lord had made of them. Adding two troops, and thus raising their number from nine to eleven, it was, however, to be observed, that they were still short of what they formerly were by one troop. —The noble lord, among other items, stated to the committee, that, in the miscellaneous services, there was an increase of expence amounting to 25,000*l.* The increase on this head would have been larger, but for the diminution on the Irish establishment. The increase arose from larger sums having been given to recruits than were formerly given. In the year 23,000 men had been raised, on which the charge was 513,000*l.* Last year, for the first time, a sum was specified for the recruiting service. It had, however, turned out, that the sum named had fallen short 70,000*l.* but the diminution in the Irish establishment, arising from the appropriation of beer money and contingencies, reduced the total increase to 25,000*l.* From the sum total 350,000*l.* might be deducted as applicable to other services. —He had another item to propose, under the head of allowances for the cure of wounds, and the loss of baggage of officers in the army. It was usual in such cases to give them a gratuity of a year's pay, and to allow them certain other compensations. In the navy, however, it was usual to grant pensions in such cases, according to the rank of the officer at the time he received his wounds. His royal highness the Prince Regent, anxious to place the army on a better footing than heretofore, had commanded him to propose an additional vote on that head. for granting pensions to officers wounded in the army. If this proposition were agreed to, it was the wish of his Royal Highness to extend the provision retrospectively to all who had been wounded since the commencement of the war in 1793, and he was persuaded the House would be happy by their concurrence in such a motion, to mark the high sense they had of the services of those whom it was proposed to relieve.—He then took a view of the number and charge of the forces paid out of the revenues of the East India Company, and proceeded to take a survey of the state of the Militia. There, he observed, the hon. House would be quite surprised to find that there was a diminution in number amounting to 14,000, while there appeared an increased charge of 890*l.* At the time the estimates were framed last year, the numbers of the militia considerably exceeded its regular establishment; but as it was then in the contemplation of government to propose two measures to parliament on the subject (the interchange of the militias, and the permitting them to volunteer into the line), they were not called upon then to make a provision suitable to the number then embodied, while a deduction was made of 150,000*l.* for non-effectives. On the Foreign Staff, Home Staff, and Irish Staff, there appeared an increase of 75,000*l.* This he explained as arising in a great measure from that charge being transferred to the army estimates, which had been formerly included in the grant for foreign corps, and from an increase in the foreign staff. This increase was principally on the foreign staff in the peninsula. The additional charge was incurred in consequence of the promotion of the general officers, and through an augmentation of the number of medical men on the staff. The utility of this arrangement was sufficiently obvious from the improved state of the army in point of health. The staff in our colonies was included in this statement, and in the Mauritius, which was entirely new to the estimate.—Under the head of full-pay of retired officers, there was a diminution of 563*l.* in consequence of the death of certain officers. Under the head of half-pay and allowances, there was a diminution of 3,481*l.* In the estimate for the in-pensioners of Chelsea and Kilmainham, compared with the estimate of last year, there was a diminution of 640*l.* This, however, was not a saving nor a diminution to be reckoned on as permanent. In those establishments the pensioners were only cloathed once in two years; and this being the alternate year in which they were not to receive

Digitized by Google

clothing, the diminution was at once accounted for, while the sum was to be expected again in the estimate of next year. The estimate for the out-pensioners of Chelsea and Kilmainham, exceeded that of the last year by 47,705*l.* The principal increase in this head arose from the increase of the number of pensioners. The pay-master general, it would be remembered, had two or three years back recovered 200,000*l.* from certain prize agents. Of this sum 100,000*l.* in 1810, had been applied to the public service, and the further sum of 25,000*l.* in the last year. The remaining balance it was thought proper to keep for the service of the establishment. From this it would be seen that 25,000*l.* of the sum named was not actually an increase. On the Widows' Pensions there was an increase of 855*l.* which arose from the increase of their numbers. For the Volunteer Corps, there was a diminution of 34,850*l.* In the Foreign Corps, there was an increase of men to the full amount of 5,503, and the charge consequent on this increase was 180,000*l.* These were so effective, that one corps consisting of 2,000 men exceeded its establishment by 30 or 40, and out of their whole number in our service, amounting to 27,000 men, there were not more than 1,500 non-effective.—In the estimate for the Royal Military College there was a reduction of 7,517*l.* This did not arise from any charges of the establishment, but was caused by the balance of a former vote remaining in hand, applicable to the service of the current year. In point of fact, there was an increase of 1,200*l.*; but this, set against the total amount of the balance in hand, made a diminution in the estimate, as he had stated before, of 7,517*l.* For the building of Sandhurst College, the sum, in the estimate, was 100,000*l.* The original estimate was 175,000*l.* Of this sum 40,000*l.* had been voted in 1810, 30,000*l.* in 1811; if, therefore (as the building was expected to be completed in the course of the present year,) they resolved on voting the sum necessary for its completion, they could not grant less than 100,000*l.* In the charges for the support of the Royal Military Asylum, there was an increase of 1,364*l.* and on the Compassionate Fund an increase of 1,913*l.* On the Irish Barrack department there was a diminution of 40,320*l.*; and there was one in the Commissariat department of 16,113*l.* and under the head of Superannuated Allowances there was to be seen a diminution of 3,568*l.*—The noble lord here summed up his statements, and took a general view of the subject, and of the measures adopted during the last year for recruiting the regular army. The additional charge on the increased numbers in our army, he stated to be 576,166*l.* In the last year there had been raised for the regular army:—By the ordinary mode of enlistment 11,472. By allowing the militia to volunteer into the line 11,716. For the foreign corps 4,795. These, added to the Greek infantry, would make a total of not less than 28 or 29,000. These were more than enough to cover all the casualties of the year; and while in numbers it was seen that more had been raised than was sufficient to cover those casualties that might occur, it was most satisfactory to find the casualties were less than they had been in the preceding year. In 1810, the casualties amounted to between 24 and 25,000; in the last year they did not exceed 21,000, and hence it would be found, that the aggregate increase in our army was not less than 7,880. Not only had our military force thus increased in the last year, but if we calculated as we ought to calculate on the probability of our being still called on to persevere in the contest in which we were engaged, it was satisfactory to find, that what he might call the recruitable capacity of the country, was still such, that it would abundantly supply the means. Of the number raised in the last year, there were more English subjects than were sufficient to cover all the casualties of the army. They exceeded the casualties by 2,000, as while the latter did not exceed 21,000, the former amounted to 23,188, leaving a clear surplus to the amount before stated. It might be said that this statement was too high, and that an allowance should be made for the number of the militia that had volunteered over the number which it had been proposed to draw from thence to recruit the regular army. This might, perhaps, be said, as more than 11,000 had so volunteered, when but 10,000 were called for. Making, however, the necessary deduction on this account, still would it be found that the number properly raised within the year, would cover the casualties, as deducting the surplus he had alluded to, 21,236 would remain. Notwithstanding we had been fighting battles in almost every part of the world; notwithstanding we had been incessantly engaged in de-

Digitized by Google

structive sieges, and notwithstanding we had made important conquests, still it would hence be seen that all the casualties of the year, including the ravages made in our ranks by the various climates to which our troops had been exposed, as well as those occasioned by the sword, were more than covered by the extent of our population, and that without severely pressing on the civil part of that population. While this cheering view was presented by the state of our resources at home, and while we were still waging successful war against the enemy in various parts of the world, it was in no small degree gratifying to see our enemy himself furnishing us with the means of successful resistance to his unprincipled aggressions. It was seen, that wherever he found his way, and dragged the reluctant inhabitants to his standard, to be at once the victims and the instruments of his diabolical and unjust oppression, no sooner were they converted into soldiers in his service, than at the first opportunity they quitted his detested ranks and came over to the English. With these observations he should now conclude, reserving to himself the right of replying to any remarks that might be made on the statements he had had the honour to make. The noble lord then concluded by moving his first Resolution.

Mr. *Bankes* complimented the noble lord on the perspicuous statement he had made, and expressed his satisfaction at the success which had attended the recruiting for the line. He lamented, at the same time, the frequent change of system in some departments, for instance the cavalry, by which the country was put to great expence.—He then adverted to the Corps de Depot, not noticed by the noble lord, and inquired why it was not noticed? He feared that the college at Sandhurst would exceed the estimate: its object was good, but he hoped that economy would be practised. There was one part of the Estimates to which he had not only a strong objection, but would take the sense of the Committee upon it, or if he did not press it to night, he should certainly when the report was brought up. He alluded to the item in the 32d page of the Estimates, of a sum of 2,790*l.* to be paid to the Paymaster of Widows' Pensions. He saw that charge with unaffected surprise; and he thought that such an office should not be filled up at such a time, in the very teeth of a Resolution entered on the Journals of that House, and made on the 31st of May, 1810. That Resolution stated that it was expedient to abolish all offices executed by deputy. Was it not, then, a most extraordinary matter, and one which it would well become the House to examine, that an office, such as he was now alluding to, should, in defiance of the sense of the House, be filled up, when, it was evident, there was no effective duties to discharge? The case, too, was the more extraordinary when it was remembered that commissioners, military commissioners, appointed by a government whose views were not peculiarly favourable to the abolition of sinecure places, had reported of this very office, "That it was executed entirely by deputy and clerks, that the principal never appeared at all in the business, that the office appeared to them unnecessary, that the public derived no benefit from it, that it was a perfect sinecure to the principal, and not much less so to the deputy, and that, as it created an unnecessary expence to the public, it ought no longer to exist." When these circumstances were joined together in the remembrance of the House, he should not think that parliament did its duty, if such a manifest violation of its Resolution was permitted; and when, therefore, the Resolution which related to that estimate was proposed, he should move for its deduction, and if he failed in obtaining it, which he could hardly imagine would be the case, he would take a further opportunity of resisting it when the Report of the Committee was received.

Colonel *M'Mahon* rose and spoke as follows:—Sir, I must intreat the indulgence of the House for a few moments, on a subject which of late has so frequently been brought before its consideration. I mean, Sir, the office of Receiver and Paymaster to the Widows' Pensions. At the time, Sir, when the Prince Regent was graciously pleased to confer upon me this office, his Royal Highness, as has been already stated by the right hon. the Chancellor of the Exchequer, certainly gave it to me subject to the will and pleasure of this House. On such conditions, Sir, most certainly I accepted it, and to that will and pleasure I now most implicitly bow. Sir, I must beg to observe, that this goodness on the part of his Royal Highness, was entirely spontaneous; for I never had the presumption to suppose that any humble services I could give to

Digitized by Google

the illustrious personage whom I have the pride and happiness to serve, could entitle me to claim any public remuneration; and I do readily agree with an hon. gentleman, who, on a former night, with more justice than perhaps kindness, observed, that the situation I possessed in his Royal Highness's family was perfectly sufficient for any services I could render. Indeed, Sir, I will go further than that hon. gentleman, by declaring my reward to be more than sufficient, and owning that life at this moment seems to promise me but too short a span to ever requite, by any services, the abundant over-payment which the generous and noble heart of my royal master has heaped upon me for sixteen years past, in acts of kindness and affection—acts which have been of so delicate and peculiar a nature, as to bind my life, heart, and soul, in eternal love and attachment towards him. It seems, Sir, to have erroneously gone abroad, that this office was not a civil, but a military one, from my predecessor having been for many years, and at the time of his death, a general officer; but I beg to observe, in proof of its being a civil, and not a military office, that if my information be correct, general Fox did enjoy this office before, and when he was a lieutenant of dragoons. If so, Sir, I am not called upon to make out any case of military services, for this distinction. But, Sir, were such a case to be necessary, I flatter myself that I could have the good fortune without any ostentation, or without any departure from becoming modesty, by an appeal to the testimonies of commanders eminently high in the profession, and deservedly so in the estimation of their country, under whom I had the honour to serve, that few men had undergone, in the same space of time, more real and actual service, and with more individual credit to himself, than I had the good fortune to do in the several gradations of rank, from ensign to colonel, for 21 years, from 1775 to 1796; when, from ill health, and that chiefly acquired in the service, having served the entire seven years of the American war, I was compelled to retire from the army; in which, however, had it been my lot to have continued until this time, equally fortunate and unimpeached in my conduct, I should hope that I might now have the honour to be a lieutenant-general in his Majesty's service. I have now, Sir, only one or two observations more to trespass on the House. I beg leave, Sir, to submit to its feeling, that I have by the acceptance of this office already vacated my seat in parliament, and since undergone the inconvenience and difficulties of a re-election for it; and although I am quite satisfied that the office of Receiver and Paymaster to the Widows' Pensions is of a most efficient and important nature in its duties, having nearly 1,600 widows to keep a regular account with, by three several payments in every year, to write in the course of each payment as many letters to them, and to take an equal number of affidavits on those different occasions, and which duties would well require not only the constant attendance of one chief and two or three assistant clerks, besides the proper personal superintendance of the Receiver and Paymaster to the Widows' Pensions himself; and also that the item of the poundage is always greatly over-rated in the army estimates, by the events of deaths, marriages, and other casualties, which considerably diminish it. Still, Sir, I have no wish for any tenure of this appointment beyond the decided sense and pleasure of this House, and intirely submit it with the utmost respect to their favourable construction and judgment. For the recollection of the most kind, handsome and liberal beyond my merit, tributes which have been paid to my character, private and personal, by so many honourable and highly respectable gentlemen, in the course of the several discussions which this subject has already undergone, I shall ever be most grateful for, and it will be a reward to my feelings of greater value than any other I could receive upon earth.

Mr. *Bennet* thought it a monstrous and intolerable proposition to grant 2,790*l.* a year to a person who had such slender claims on the public, on the very night when they were voting only 2,000*l.* to the earl of Wellington, and would give his entire concurrence to the motion of the hon. gentleman.

The *Chancellor of the Exchequer* observed, that the filling up of the office had not been done from ignorance of the Report of the Commissioners alluded to: that was not the ground upon which the transaction was to be defended. The appointment, in fact, of the hon. colonel, did not form the slightest impediment to parliament exercising its rights, just the same as if the appointment had not taken place. When the grant of it was made to colonel

Digitized by Google

M'Mahon by his Royal Highness, there was nothing stipulated which could afford the slightest claim for its being retained as a matter of right, in opposition to the will of parliament. On the contrary, it was expressly stated, that he was to receive it as an office likely to undergo the discussion of parliament—likely to undergo a reform—likely even to be abolished; and if so, he could have no claim to oppose to such reformation, or to such abolition. There was nothing, therefore, to preclude the hon. member from making his motion, nothing to impede any one in giving his vote upon that motion—as far as regarded either the one or the other, it was as if the office still remained unfilled. He would wish to know, therefore, what had been done, in appointing colonel M'Mahon, which could be construed into flying in the face of parliament, when the very way in which the appointment was made was one which left it free to the discussion and to the disposal of parliament? In that committee which had been alluded to, it was a distinct specification that no sinecures should be abolished without a previous consideration how those who held them should be otherwise rewarded; and it was a question for parliament to consider, what reward might be justly due in this case. The services, the civil services, which the hon. colonel had performed for his prince, gave him a claim upon the generosity of his royal master. The right hon. gentleman then stated what had been the specific intention of the committee in recommending the abolition of this office; and concluded by observing, that whatever might be the sense of the committee, of the House, or of parliament on the subject, he trusted, at least, that no one would concur with the hon. gentleman in thinking that the office had been granted in such a way as could be interpreted into a violation of the express declarations of that House.

Mr. *Whitbread* merely wished to ask the right hon. gentleman, whether he thought the hon. colonel, for whom he sincerely professed a very high esteem, really executed that description of high and effective office which was meant by the Resolutions alluded to?

The *Chancellor of the Exchequer* denied that he had made any such statement; and he denied that it was the intention of parliament to deprive the crown of any means of reward for such services as might be deemed worthy of reward; nor could he believe otherwise, till such intention, if it existed, was passed into a law.

Mr. *Tierney* agreed with gentlemen in thinking that the Prince Regent ought to have the means of rewarding old and faithful servants; but the question was, whether or not the right hon. the Chancellor of the Exchequer had not, under all the circumstances of the case, grossly misconducted himself in advising the grant of this sinecure in the teeth of a Resolution of that House. At the time that the House came to that Resolution, he was anxious that there should be some specific understanding between the hon. gentleman (Mr. Bankes) and the Chancellor of the Exchequer, as to what was to be done after the passing of that resolution until the meeting of parliament; for sure he was that otherwise the right hon. the Chancellor of the Exchequer would, at the first opportunity, set their resolutions at defiance: indeed, the right hon. gentleman had told them, that he did not think them operative upon him, because, truly, he himself had always opposed them; but if the right hon. gent. had been at all anxious to preserve any show of decency in the mode of this grant, why could he not have suspended the office till the meeting of parliament? But it seemed that in granting the office, he had told the gallant colonel, that he was to receive it subject to the will of parliament—a mighty condescension truly! as if the right of parliament to quash any such grant depended upon this saving condition made by the right hon. gentleman. But had he done his duty to his royal master, by thus holding him up as a public spectacle, and exposing him in one of the most prominent acts of a new reign to so much clamour and ill humour? As for the hon. colonel, no blame attached to him. He was offered a good place with nothing to do, and he took it, but certainly the Chancellor of the Exchequer had placed him in a most awkward situation. Was there no other way of rewarding the services of the gallant colonel than by flying in the face of a resolution of that House, and exposing the Prince Regent to all the opprobrium of such a grant, dragging him as it were through the dirt for the last six months, by making him so prominent in granting a sinecure in the purest and most disgusting sense of the word—and after all, what must be the consequence?—the hon. colonel could not keep it. He could not possibly rise on Tuesday morning in possession of it. He lamented the circum-

Digitized by Google

stance, for he thought most respectably of the claims of that hon. colonel to the Prince's kindest notice, and was of opinion that he had been most hardly treated in being made to accept of so objectionable an office. He should give his decided vote for striking it out of the Items.

The *Chancellor of the Exchequer* said, he would not grant any sinecure or reversionary places which did not come under the authority of parliament. It was impossible for him to characterize the ill-humour of the expressions made use of on the subject by the other side of the House. He never felt that any person was responsible for the advice given on this subject to the Prince Regent, but himself. He thought it was a fair exercise of his duty, as parliament had not enacted that sinecures should be done away with. The Resolution of the House of Commons was nothing, until it was recognized by parliament; and it never had had its sanction. He thought sinecure places better than the provision that was proposed in the place of them. The situation could not be granted to the hon. colonel for life, while the Prince Regent was under restrictions, and so he informed him; but that he was to hold it until parliament met. He thought the appointment ought not to be interfered with until sinecures were abolished altogether. A mistaken statement had gone out to the public, that the poundage came out of the Widows' Pensions. It was not the case; for the salary was calculated from the amount paid to the widows, and government liquidated the debt: not one shilling was taken from the original pensions. (Hear, hear!)

Mr. *Johnstone* said, it was a most unfortunate appointment, and it would be a length of time before the new reign would recover it: esteeming as he did the administration of his right hon. friend, and wishing him full success in his new career, he must get vote against the present question. The present was not a question of clamour and ill-humour: every impartial man out of the House had been hurt at the little attention paid by his right hon. friend to the recommendation of the House of Commons in the appointment alluded to. It had been most unfortunate advice; it had excited in the nation unfavourable sentiments and ill omens of the new reign. He could not, without injury to himself, and still more without injury to the character of the House, suppress these reflections, especially when he reflected on what had lately happened in that House,—when it had, on a subject which it had repeatedly espoused, been completely turned round by the bare suggestion of his right hon. friend. He should think himself disgraced if he did not vote against this sinecure.

Mr. *Elliot* observed that he could not let the subject pass without expressing his opinion, that the ordinary recruiting was not equal to one half of the waste of the army; there were also a number of desertions, which were caused by the morals of the lower orders of the people being corrupted. The Prince Regent had acted most laudably towards a meritorious servant, but he thought he had been unwisely advised.

General *Ferguson* observed, that there was sometimes too little attention paid to the description of recruits that were sent to join regiments. To his knowledge there was a regiment in Guernsey, 600 strong, to which the commanding officer had paid the greatest attention, not only with respect to discipline, but to their morals also. There was an order lately to complete that regiment, and for that purpose 147 convicts had been sent to them from the hulks. This must certainly be very painful to an officer who had paid the strictest attention to the morals of his men.

Mr. *Abercromby* said, if the statement of the hon. general was grounded on fact, it was incumbent on the House to require that the culprits should be recalled.

Mr. Secretary *Ryder* said, that it was by the advice of Mr. Graham that a number of persons who had been sent on board the hulks for slight offences, and conducted themselves very well during their confinement, were permitted to volunteer into regiments going on foreign service.

General *Ferguson* said, that this was a garrison battalion, and not a regiment going on foreign service.

After a few further observations the usual annual Resolutions were agreed to.

On the Resolution, "That a sum, not exceeding 62,159*l.* 13*s.* 6*d.* be granted to his Majesty, for defraying the charge of Pensions to be paid to Widows of Officers of the land forces, and expenses attending the same, in the United Kingdom of Great Britain and Ireland, from the 25th Dec. 1811 to the 24th Dec. 1812."

Mr. Bankes moved as an Amendment, "That the amount of the sum expected to be paid to the Paymaster of Widows,

Digitized by Google

Pensions, being 12*d.* in the pound on the said Pensions (2,790*l.* 1*s.*) be deducted from the said sum." Upon this the Committee divided, when the numbers were

For the original Motion 54
For Mr. Bankes's Amendment ... 38
Majority against the Amendment —16

List of the Minority.

Abercromby, J.	Horner, F.
Adams, C.	Hutchinson, C. H.
Baring, Sir T.	Johnstone, G.
Bankes, H.	Kemp, T. R.
Bankes, W.	Lockhart, J.
Babington, T.	Macdonald, J.
Busk, W.	Martin, H.
Bowyer, Sir G.	Neville, Hon. R.
Bennet, Hon. H. G.	Pochin, C.
Brougham, H.	Parnell, H.
Combe, H. C.	Sebright, Sir J.
Calvert, N.	Sharp, R.
Campbell, Gen.	Smith, W.
Eden, Hon. G.	Sumner, G. H.
Elliot, Rt. Hon. W.	Temple, Earl
Fergusson, Gen.	Tierney, Rt. Hon. G.
Fremantle, W.	Vernon, G. G. V.
Fane, John	Wynn, C. W. W.
Grenfell, P.	Whitbread, S.
Graham, T.	

List of the Majority.

Arbuthnot, C.	Long, C.
Ashburnham, G.	Montgomery, Sir J.
Benyon, R.	Montague, M.
Bathurst, Rt. Hon. C.	Nepean, Sir E.
Beresford, Capt.	Patteson, J.
Bickerton, Sir R.	Palmerston, Visc.
Bagwell, W.	Perceval, Rt. Hon. S.
Bourne, S.	Phipps, Gen.
Courtenay, T. P.	Peel, R.
Clements, H. J.	Pole, W.
Clerke, Sir G.	Robinson, Gen. J.
Croker, J. W.	Robinson, Hon. F.
Chute, W.	Rose, Rt. Hon. G.
Disbrowe, E.	Ryder, Rt. Hon. R.
Desart, Lord	Singleton, M.
Farquhar, James	Sutton, M.
Fitzgerald, W.	Swann, H.
Gibbs, Sir V.	Thomson, Sir T.
Goulbourn, H.	Tempest, Sir H. V.
Greenough, G. B.	Tyrwhitt, T.
Herbert, C.	Wharton, R.
Holmes, W.	Ward, R.
Hume, Sir A.	Wallace, T.
Herbert, H.	Walpole, Lord
Hill, Sir G.	Wellesley, R.
Hall, B.	Wood, Col.
Kenrick, W.	Wedderburne, Sir D.
Lygon, W. B.	

HOUSE OF COMMONS.

Monday, February 23.

ARMY ESTIMATES—FOREIGN TROOPS IN BRITISH PAY.] On the Motion for bringing up the Report of the Committee of Supply,

Lord *Folkestone* objected to its being brought up, until he had put some questions to the noble lord who had moved the Army Estimates. There had been, he observed, for many years past, a very great increase in the number of foreign troops taken into British pay. They had increased from 5 to 30,000. This alarming increase he viewed with considerable jealousy, because it was not confined to those regiments on foreign stations, seeing that foreigners were enlisted into battalions in the Home Establishment. Two acts had been passed, authorising the enlistment of this description of soldiers in the course of the present reign, but these acts were to be viewed in the light of acts of indemnity to the government for having violated the constitution. What, however, he particularly wished to call the attention of the House to, and to require explanation from the noble lord was, with respect to the enlistment of these foreign troops into British battalions. He understood that the fact was so; at least it had been so stated to him. If it was not true, the noble lord would inform the House. It had also been told him, that our officers had been allowed to recruit their regiments from among the French prisoners. He particularly alluded to the 10th Light Dragoons, into which regiment he was informed upwards of one hundred men had been enlisted. If what he now stated was true, the orders must have been given by the commanding officer, or from the War Office. It might be said, that the two acts to which he had alluded would sanction the practice, but he should deny that any act of parliament could justify such a measure, or could authorise the enlistment of foreigners, except into foreign corps. There was another circumstance which demanded notice, and that was permitting foreigners to hold commissions in British regiments. Such permission was contrary to the act, and was an evil daily increasing. He understood there was a foreign general commanding a district in this country. The noble lord, he trusted, would explain these matters to the satisfaction of the House.

Lord *Palmerston* said he was disposed to answer the noble lord, and he hoped satisfactorily. With respect to the question about the enlistment into the 10th regiment of Light Dragoons, it certainly had been determined to allow a certain number of prisoners to enter into that regi-

Digitized by Google

ment, but those were not Frenchmen, but Germans. To such a determination there could not be any objection on any principle, because it was well known that the French army was daily recruiting its strength by the enlistment of Germans, and the people of that country would rather serve Great Britain than France. As to the circumstance of foreign officers bearing commissions in our army, there was a specific act of parliament authorising his Majesty to avail himself of the services of foreign officers. The 97th regiment was originally composed of foreigners; now, however, it was principally composed of natives of Ireland, consequently of British subjects. The noble lord had stated that a foreign general was employed on one of the home districts. He wished the noble lord could name the person he alluded to. [Lord Folkestone said, general Linsingen.] If general Linsingen was the officer, he was appointed to command a depot composed of troops of his own country.

Lord *Folkestone* observed, that the answer of the noble lord had not convinced him that the permission was justified. On the contrary, it had been given contrary to the Act of Settlement, and to all the acts of parliament passed on the subject, since that period.

Mr. *Lamb* confessed he thought some inquiry necessary, because this was a favourite topic for popular purposes, and one which those who had popular objects in view, found it very convenient to use. He could not, however, but think the conduct of the noble lord and others very extraordinary, in representing every thing that might be construed into a grievance in its worst colours; as if no consideration was to be had of the peculiar difficulties in the situation of the country. Were foreigners wantonly introduced, or did there not exist a sweeping and over-ruling necessity for resorting to new and extraordinary measures, if we were at all to contend with an enemy who left no means untried, and who had, and who exercised, the power of forcing all descriptions of men into his service? He doubted not that in ordinary times the government of the country would readily adhere to the Act of Settlement, as a provision intimately connected with the safety of the constitution; but under such a change of times and circumstances as was now witnessed, he could not perceive the propriety of setting up such complaints. Let the noble lord look at the state of the world—let him only look at the increased and increasing power of the ruler of France, the vast extent of country which he had become possessed of on the continent, and the power which of course was afforded him, not only of enlisting, but of compelling the services of the people of the states he had subjugated, and then say whether, with such unexampled resources within his grasp, this country should not be at liberty to resort to the same means of recruiting its strength, in order to oppose his effort with some chance of success. Measures of this kind were to be deplored, but they were measures which the necessity of the times imposed upon the country.

Mr. *Curwen* declared that, during the whole of the twenty-five years he had sat in parliament, he had never heard such a doctrine as that of the hon. gentleman who spoke last. He had always thought, from all he knew of the history of the country, that the true way of supporting its interests in difficult times was by a strict adherence to the laws. The character of the House and the welfare of the nation had been upheld at such seasons by inspiring the people with confidence and spirits, not by banishing the one and depressing the other. At former periods the government had endeavoured to conciliate the affections and to elevate the hopes of the country by an uniform and scrupulous attention to its fundamental laws and institutions. What was it that the noble lord had asked for, but that a bill of indemnity should, consistent with the practice of the constitution, be resorted to in these cases, in order that parliament might be left to judge of the wisdom of the measure. It was this contempt of public opinion which formed one of the principal causes of our present calamities. The opinion of the House itself was equally despised by those men who unhappily continued to have the direction of affairs. There lay the real danger—there were the seeds of the real evil. The strength of the country was in its law, not in its hired armies. He could not see the policy of enlisting prisoners: he could not see the necessity of it, in the well known condition of our manufacturers: he could see no argument to justify it. If there was one feature which he lamented more than another in the conduct of government, it was this, that when retrenchment

Digitized by Google

was called for by the House, the government paid no respect to the feelings of the people, but employed foreign soldiers, and gave them that pay which of right belonged to the people. If he could conceive the most distant hope of benefit to the country in its present distressed situation, it would emanate from the recollection that the assumption of power by his royal highness the Prince Regent would tend to bring forth measures for lightening the burthen of the subject—he trusted that hope would be ultimately realized, and that the abuses at present existing would be done away. He must disapprove of giving encouragement to persons found in arms against this country; it was treating the people of England in a manner to which their long sufferings do not entitle them.

Mr. *M. Montague* thought the hon. gentleman had entirely forgot what had passed in the last century, for if he would refer to the act, he would see that it authorised what was now complained of, and therefore his arguments fell to the ground. The hon. gentleman maintained, that there was not the same danger now from the introduction of foreign soldiers as formerly, because the army had been materially increased since then. He was of opinion that great confidence ought to be placed in those who now conducted the administration of public affairs.

Mr. *Fremantle* took notice of several items in the present estimates, the result of which was, that there appeared an excess of 600,000*l.* above the amount voted last year. He thought this an extraordinary increase, when he found that only 1,900 men had been added to the disposable force of the country.

Lord *Palmerston* explained the cause of the difference to be, that the pay of the adjutants and quarter-masters had been transferred to the present estimate, from the estimates of the staff. With respect to the observation on the general increase of 600,000*l.* of expence, while the increase of the numbers of the army was only stated to be 1,900, he believed it would be found that he had stated an increase of upwards of 15,000 on the establishment, including regulars and militia.

The Report was then ordered to be brought up and read.

ARMY ESTIMATES—PAYMASTER OF WIDOWS' PENSIONS.] On the Resolution, "That a sum not exceeding 62,159*l.* 13*s.* 6*d.* be granted to his Majesty, for defraying the charge of Pensions to be paid to Widows of Officers of the land forces and expences attending the same, in the united kingdom of Great Britain and Ireland, from the 25th of Dec. 1811 to the 24th of Dec. 1812,"

Mr. *Banks* said, he rose to move as an Amendment, That the salary to the Paymaster of Widows' Pensions should be struck out of this sum. Before he proceeded to state his reason for this Amendment, he would move, That the two first of the Resolutions which, upon the 31st day of May 1810, were reported from the Committee of the whole House, to whom it was referred to consider further of the Report which, upon the 29th day of June 1808, was made from the Committee on Public Expenditure, and which were then agreed to by the House, might be read; and the same were, as agreed to by the House, read, and are as follows:

"Resolved, That the utmost attention "to economy, in all the branches of public "expenditure, which is consistent with "the interests of the public service, is "at all times a great and important duty.

"Resolved, That for this purpose, in "addition to the useful and effective "measures already taken by parliament "for the abolition and regulation of va- "rious sinecure offices, and offices exe- "cuted by deputy, it is expedient, after "providing other and sufficient means for "enabling his Majesty duly to recom- "pence the faithful discharge of high and "effective civil offices, to abolish all "offices which have revenue without em- "ployment, and to regulate all offices "which have revenue extremely dispro- "portionate to employment, excepting "only such as are connected with the "personal service of his Majesty, or of "his royal family, regard being had to "the existing interests in any offices so "to be abolished or regulated."

The hon. gentleman also moved, "That so much of the 10th Report from the commissioners appointed to examine take and state the Public Accounts of the kingdom (which was presented to the House upon the 2nd day of July 1783), and so much of the 6th Report from the commissioners of Military Enquiry (which was presented to the House upon the 25th day of June 1808), and so much of the 22nd Report, which (upon the 20th day of July 1797) was made from the Select Committee who were appointed to examine and state the

Digitized by Google

total amount of the Public Debts, and other matters relating to the public revenue and expenditure—as relates to the Office of Paymaster of the Widows' Pensions, might be read;" and the same being read, the hon. gentleman said, that it appeared that this office was stated in all the Reports as a perfect sinecure, and, one that ought to be suppressed. If the question stood merely on the recommendation of the two Reports of 1783 and 1808, made by commissioners acting on oath; if parliament had taken no one step in the business, and if the Resolution of the 31st of May 1810 had never been passed, there would yet be sufficient reasons to induce the House to call any minister to account, who should dare to act in contradiction to what had been so decidedly pronounced upon. Among other things, the last time the subject was discussed in the House, he was astonished a good deal at what had fallen from the hon. gentleman (col. M'Mahon) who held the office, who attempted to shew that since the period of the Report, this office was something like an efficient one. But nothing could be farther removed from this description than it really was. It appeared from the Report of 1808, that the whole business was then transacted for 100*l.* per ann. by a first clerk of the War Office. From what passed in the former debate, he had found himself in a singular and unfortunate situation. He thought he had made some impression on the House, and that they would have supported their Resolutions; but the argument took a most unlooked for and perverse turn. It was argued, that, because the Finance Committee had recommended certain sinecures to be retained as a reward for services, those sinecures which the House had expressly declared ought to be abolished, could not be touched on till parliament should decide what were to be retained; and that this office in particular should be considered as entitled to indemnity till parliament should come to discussion on the merits of the rest. Was this declaration of awaiting the decision of parliament paying that consideration to the Resolution of the House which it was entitled to? If the right hon. the Chancellor of the Exchequer meant by the decision of parliament, the decision of that House, this was already pronounced and recorded. The office was already condemned by the Resolutions of the House, and ought not to be continued. He could not sufficiently condemn such an appointment. It was calculated in a particular manner to implicate the character of his royal highness the Prince Regent. The right hon. gentleman had denied this; but he would ask him, if he really thought that the master of such a servant as col. M'Mahon was not implicated in his appointment to this office? The right hon. gentleman had said, that the subject with respect to discussion was precisely as it was before; and that it was as competent as ever to the House to decide with respect to this office. Did the right hon. gentleman think that he could come as freely to the discussion as if no appointment had taken place? Did he think he could still discuss it as a plain naked question, whether the office ought or ought not to be abolished? It would certainly now come forward in a way which was not very fair towards those members who conceived themselves bound to act up to the Resolutions of the House. It was impossible not to feel a difficulty in deciding for the immediate abolition of an office however, useless, filled by a gentleman of whom so much good had been said, and who, in addition to this, enjoyed a situation under his Royal Highness. Into this embarrassing situation had the House been thrown by the counsels of the right hon. gentleman. But however disagreeable the task, it would have been a base dereliction of the duty he owed to parliament, after the situation which he had filled in the committee of finance, not to come forward on the present occasion. He had not sought out the occasion, he was not fond of it, but it had been obtruded on him. This office appeared in the Estimates laid before the House, and it was for the House to consider whether or not it was to be continued. The question was before them, and they must decide. From their decision that night would be seen what was the disposition of the House with regard to other sinecures: from the vote about to be given, the country would have a very good earnest of what they had to expect from them. The language of the Report of 1783 stated that the whole duty was done by deputy, and that that duty was extremely overpaid. He had caused the extract respecting sinecures to be read, to shew that this was not an office of a description that could come within the comprehension of those that were to be assigned as a reward for merit. He knew not how to argue so plain a case.

Digitized by Google

It was impossible, in fact, to have selected any one situation which came more under the description of those which ought to be abolished, than the one in question. He denied that it was in the contemplation of any of the framers of these Reports, that offices with large salaries, and no duty, should be kept up as a reward for services of the description of those of the honourable gentleman colonel M'Mahon. These rewards were not intended for personal services to his Majesty, or his Royal Highness. Such an idea never entered into the contemplation of parliament. It was to be regretted that his Royal Highness had ever been advised to make this appointment. In the outset of a new reign, a colour was thrown on the transaction, which was by no means calculated to ease the minds of the people. For whatever might be thought or said within the walls of the House, the public would look with no small anxiety towards the result of that night's debate. He did not speak in this manner from any fondness for the motion, because he was the mover of it, but because he was convinced of the disappointment which its rejection would occasion to the country. They had no security that this office might not be given in reversion, but the word of the right hon. the Chancellor of the Exchequer. It had already been granted in reversion to the late general Fox. He should therefore move as an Amendment of the Resolution, "That a sum not exceeding 59,369*l.* 12*s.* 6*d.* be granted to his Majesty, for defraying the charge of Pensions to be paid to Widows of Officers of the land forces, and expences attending the same, in the United Kingdom of Great Britain and Ireland, from the 25th of Dec. 1811 to the 24th of Dec. 1812.

Mr. *Charles Adams* said, that he imagined the right hon. the Chancellor of the Exchequer would have considered himself bound by the Resolutions of that House; but the right hon. gentleman was the best judge of his own conduct. It was, however, rather strange, that he should thus pick and choose among the sinecures; for it was in the recollection of the House, that some of the resolutions recommending the abolition of sinecure offices had been already acted upon. Much more could be said on this subject; but the business was so barefaced, and so palpably against every principle on which the House of Commons ought to act, that he would not waste one word more upon it, but give his decided vote for the Amendment.

Mr. *Matthew Montague* thought the House ought not to follow any cry which might be raised in the country. It was for the good of the country, that a due proportion of reward should be held out for the duties which might be discharged towards it. He would ask the hon. mover of the Amendment, whether the scheme of reward in the Resolutions was not too narrow? It was limited to high and eminent offices; and this was certainly too narrow. It was to be remembered that parsimony was not economy,—no money was so badly employed as that which prevented money from being employed beneficially. [Laugh on the Opposition side.] Did the gentlemen opposite think that they were entitled to ridicule this proposition, because they held themselves out as great patriots and great apostles? He was as honest in his intention as they were themselves, although he sat on a different side of the House. He declared he hardly saw one person over against him to whom he could not give a hint of something. Nothing could be more contemptible than that nonsensical attempt at ridicule which gentlemen opposite resorted to. (Laugh.) Let them not imagine that he would be put down. He would now take the liberty to proceed in the argument, from that part of it where he was interrupted. Considering it on the general principle, he thought nothing was more clear, than that a faithful servant of the prince who had long discharged important duties merited reward, and there could be as little difficulty in conceding the opposite conclusion, that those who would attempt to thrust themselves into the situation of servants to a prince, merely for the sake of the remuneration to be obtained, and who would perhaps, the moment they were secure, barter his most important interests, deserved only degradation and contempt. He acknowledged, that upon this subject, he was not as well instructed as he ought to be; but he was perfectly competent to form this opinion, that the servants of a prince ought to be upright and sagacious men, and that if they were, they had a claim upon the country for eminent reward. They had a far better right to the appellation of patriots than those who, augmenting the popular clamour by invectives against government, covered their despicable designs by a title to which they

Digitized by Google

had no pretensions. He insisted that the honourable mover of the amendment had gone much farther than the Resolution he had quoted would support him in, nor indeed could he for once concur in the idea, that the mere Reports of committees were to be deemed as binding legislative enactments. He felt himself incompetent to do justice to the cause he espoused, but he could not resist this opportunity of shewing, as far as his feeble powers would permit him, how little deserving of attention were the specious arguments urged by the supporters of the amendment.

Mr. *Lockhart* was firmly convinced, that it was not less the duty of faithful ministers to support the just prerogatives of the crown, than to maintain the acknowledged rights of the subject. He would rather that the general question of the abolition of sinecures had been debated, than that this insulated instance had been selected for discussion; but at the same time he admitted that it ought not to have been passed over in silence, since it had more than once received parliamentary animadversion. He could not, however, agree, that in this instance the conduct of the right hon. the Chancellor of the Exchequer was culpable. He had two duties to discharge, the first to the country, and the second to the crown. If he had neglected to appoint a successor to the office of Paymaster of Widows' Pensions, it might justly have been considered a compromise of the prerogatives of the crown, but by giving it to colonel M'Mahon, under the conditions imposed, he had left the important question of the abolition of the sinecure still open to the future decision of parliament, and had not neglected the interests of the country.

Mr. *Herbert*, of Kerry, opposed the Amendment, and conceived it would be a harsh and strong measure to refuse the concurrence of the House to an appointment made at the commencement of a new reign.

Mr. *Bathurst* said, that the question now to be decided, was merely whether the House, in considering the Army Estimates for the year 1812, would or would not vote a sum of money which had hitherto been applied to the salary of Paymaster of Widows' Pensions. The inquiry, whether the office should or should not be abolished, could by no means strictly form any part of the discussion. His vote upon the first point would certainly be in the affirmative; upon the second he would not pledge himself, and whatever might be the constructive effect of a decision upon the former that night, it could not prejudge the determination upon the latter at a future period. He thought that too much importance had been attached to the appointment of colonel M'Mahon; and although he admitted that it was the duty of the House to watch carefully over the disposal of the public money, he was convinced that it little became it to be cavilling about trifles, when matters of such superior magnitude, in an economical point of view, might be contemplated.

Mr. *Macdonald* trusted that the House would that night rescind the vote it had passed on Friday last, with regard to an appointment which was calculated only to throw obloquy upon the Prince Regent, and excite disapprobation in the people. If, indeed, the House of Commons wished only to be considered as the support of the convenient obsequiousness of interested ministers, such a determination would be perfectly in character; but while it claimed to be the guardian of the public purse, a line of conduct directly opposite ought to be pursued. Was it because during twenty years of continued warfare the expences of government had been augmented from 16 to 100 millions, or because the means of maintaining our independence by the destruction of our commerce were diminished, that a decision like that which the House had a few nights since adopted, ought to be confirmed, to the abandonment of the primary functions of the representatives of the people? If it were, it would be the bounden duty of the House now to speak a language not difficult to be understood, and to read a lesson to princes, which, if not followed, would endanger the security of the monarchy itself. He was willing to admit that col. M'Mahon deserved remuneration; but was there no way of bestowing it but by this degrading appointment? Could no place of emolument be found in the splendid establishment of the Prince Regent, by which his services might have been adequately compensated? He begged to remind the House of the time at which the right hon. the Chancellor of the Exchequer had thought fit to fill up this vacancy. It ought not to be forgotten that the right hon. gentleman was then a servant on trial. He was anxious to please his royal master by this nomination, and dreading lest the time might soon arrive when he could only gaze with wishful eyes upon it at a dis-

Digitized by Google

tunee, he seized the favourable moment, and no sooner did the sinecure become vacant than colonel M'Mahon was, as it were, thrust into it.—He had cordially concurred in the grant on a recent occasion to lord Wellington, and gave his full assent to an assertion then made with pride on the opposite side of the House, that if it were put to the country at large the vote would have been unanimous in its favour. If the right hon. gentleman would consent that the present vote should be submitted to the decision of the same jury, he was convinced that the decision would be scarcely less unanimous against it. The previous determination of the House upon this question was so flagrant a breach of its duty, that he thought upon reflection it must have so struck even the right hon. gentleman, and he flattered himself, instead of this continued resistance, that the right hon. gentleman would have appeared in his place this night with a Bill to abolish the odious sinecure of Paymaster of Widows' Pensions.

Mr. *Morris* had attentively examined the journals, and could find no resolution of the House for the unqualified abolition of sinecures, even admitting the place of Paymaster of Widows' Pensions to be so. The resolution which had been read recommended the substitution of one mode of reward for another, but before it could be maintained that it had been violated, it was necessary to shew that the substitute had been provided, which no hon. member had yet attempted to prove. The House was called upon by the mover of the Amendment to give as much validity to the Report of Commissioners as to the statement of a committee of its own, and to that statement as much authority as to an act of parliament This situation was denominated in the Journals a sinecure; but upon due investigation it would be found that the allegation was incorrect, and that although in 1783 only 600 widows were relieved, there were now not less than double the number of claimants on the fund; and if, as he had no doubt would be the case, colonel M'Mahon duly discharged the duties of his office, they would be found important and beneficial to the objects of the charity, for no scene could be more painful than to see a number of the wives of officers who had fallen in their country's service, eagerly crowding round the clerk of the War-office, like hungry paupers receiving their daily pittance from the master of a parish work-house. In assenting to the Resolution of the committee of supply, he would not be understood to assert that the office required no regulation, since his opinion was directly the contrary. With one argument advanced, he never could accord, namely, that the House was to be intimidated by the manner in which this decision would be received in the country. If the determination were well founded, it would be a species of most degrading cowardice to shrink from it: such conduct might excite the contempt of the people, but never could ensure their confidence. The hon. and learned gentleman concluded by declaring, that although in this instance he acquiesced in sentiment with ministers, there were many and most important questions, with their decision upon which it was utterly impossible he could ever coincide.

Mr. *Home Sumner* would have preferred to meet the question in another shape, though he should regard it as a dereliction of his parliamentary duty, to avoid it in any shape. For himself, he would abolish all sinecures, and trust to the generosity of a British parliament to reward those who had faithfully discharged their duty in the public service. He should give his vote for the Amendment.

Mr. *Fitzgerald* thought the hon. member for Newcastle (Mr. Macdonald) hardly warranted in saying that he expected the right hon. the Chancellor of the Exchequer would have come down that evening with a bill in his hand, to abolish the office in question, when it was remembered that only a few evenings ago the right hon. gentleman had declared his opinion upon the subject in a manner so little calculated to excite such an expectation. He thought also that the hon. gentleman had been a little unfortunate in his vehement declamation against sinecures; for, it should be remembered, that he was himself the holder of a sinecure. There was, however, this difference between the two cases: in the one, the office had been granted as a reward for meritorious services, as a reward for actual and acknowledged merit, and in the other it had been bestowed upon the hon. member, when a school-boy. [Here Mr. Fitzgerald said he would not proceed further in his remarks, because he had just perceived the hon member not to be in his seat.] In adverting to the hon. mover of the Amendment, he had no doubt that the praises he had so lavishly bestowed upon his right hon. friend the

Digitized by Google

Chancellor of the Exchequer were sincere; but they seemed to him extraordinary, and he knew not how he could conscientiously affirm that he would repose confidence in the word of a minister whom he believed capable of insidiously, of obsequiously recommending to the Prince Regent the filling up of an office, merely that he might divide with him the obloquy of such a nomination. By what rules of candour did he attribute such motives to his right hon. friend? Why did he estimate them with a degree of unfairness, which he surely would not like to have applied to his own motives on the present occasion? This, however, he would say, in commendation of his right hon. friend, whose motives had been so severely aspersed, that he was the only man in the country, who, at the head of an administration, had never recommended to the crown the grant of a reversion. With respect to the office of Paymaster of Widows' Pensions, he did not think the granting of it, in the way it was granted, an insult to parliament; unless, indeed, the report of every committee, and even the report of a military commission, was to be regarded as a deliberate act of the legislature. The person to whom it had been given, was one whose merits all concurred to admit, and it had been justly observed by a right hon. gentleman on a former occasion, that he was a man who had won the confidence and regard, without ever abusing the ear of his prince. He thought that parliament ought not to be the sole and exclusive source of rewards, but that some power of remunerating faithful service should be lodged in the crown. The way, he observed, in which the present appointment had been granted, subject to such stipulations as had been specified, and not being held by such a tenure as general Fox held it, was a proof of the motives that led to the appointment; and he would ask, if this was an insult to the House, or if, had it been otherwise granted, had it been granted with any securities for its retention, parliament could, consistently with its sense of justice, proceed as they were now competent to proceed?—There was another question also, and that was, whether if the Vote of the House should, that night, pronounce the subtraction of the fees to the Paymaster of Widows' Pensions, any essential economical reform would be effected? He thought not. The object of the Amendment, indeed, had not all that merit in it which was commonly supposed—he alluded to what appeared in the public prints: it was not to give 2,000*l.* more to the Widows, but merely to save 2,000*l.* Under such circumstances, he should certainly vote against the Amendment.

Mr. *Macdonald*, in explanation, said, that his sinecure was of very inferior value, and the emolument of it did not burden the public, but proceeded from some small fees from gentlemen taking office; and in that way he supposed he might have received some of the money of the right hon. gentleman. He was, however, at all times ready to surrender his sinecure, if others were abolished also: and notwithstanding the very modest tone in which the right honourable Lord of the Treasury had criticised his parliamentary conduct, he conceived himself perfectly free to oppose sinecures in general, or this one in particular.

Mr. *Fingerald*, in explanation, said, he did not impute moral or political guilt to the hon. gentleman. He had only urged, that the hon. gentleman, in the warmth of his declamation against sinecures, seemed to forget that he himself was a sinecure placeman; and that there was this difference in the two cases—that colonel M'Mahon was appointed for his services, and the hon. gentleman while he was a school-boy.

Mr. *Wilberforce* observed, that the argument of the hon. gentleman who had just sat down went to this, that if a member of that House held a sinecure office, he ought not to be expected to give a full, free, and fair vote upon any occasion in which that subject was involved. But what would be the state of parliament if this doctrine were carried to its extent; if such things were to be bandied from one member to another, as "You are a placeman and ought not to vote, and you are in place and should not speak?" It was such matters as these, and such appointments as the present, that gave rise to all that public obloquy which was so much to be deprecated. A good deal had been said about the Committee and Commissioners with whom the Resolution had originated, which was the ground of the opposition of his hon. friend the mover of the amendment. He remembered the appointment of these commissioners, and that they were recommended not to be members of parliament, in order that their deliberations might be the more fair and uninfluenced. They in their Report ad-

Digitized by Google

vised that this office should be entirely abolished, as of no utility whatever; and the fair inference which he drew from this was, that if thirty years after such report the office was not abolished, the people had a right to complain. For what must be said on the occasion? That ministers thirty years ago, when sorely pressed by colonel Barré and Mr. Burke, did yield to inquiry—but that when that inquiry came to a point, and the abolition of the place in question came to the vote—then they, ministers, would say, "You have carried the farce too far, this is too serious a matter, and we will take a fresh lease of the office in the name of a person so involved that it must give pain to all who oppose it." And what was the office so desired to be continued? One, that from its very nature—from the small duties attached to it—from the mode of its payment—was (however unjustly as against the government) subject to the greatest obloquy and unpopularity. It was not so much the appointment itself, but the principle on which it took place that he felt to be wrong. The public interest was always in danger, when such broad blots were left to be pointed at by the disaffected, and held up with all their colourings to inflame the public mind. He could not help, therefore, condemning that policy, which, under the pressure of such times as the present, went to lay this new load on the people, which though small, was highly contrary to the public feeling. He consequently regretted, that his right hon. friend the Chancellor of the Exchequer could not see the matter in the same light that he did. He knew him to be a man conducting the government honourably and justly, in every point of view which he took of the common welfare, and could not help being sorry that he did not view some of these subjects in a way which would induce him to do them away, and not suffer them to remain to inflame a suffering people. The merits of the hon. colonel he was as willing to admit as any body; but they were merits of which the House could have no cognizance—it was not a ground upon which a member of parliament could proceed—it was a principle which might lead to every excess, and upon such a pretext the public expenditure might be abused without limit. He should therefore vote with great pleasure for the amendment.

Lord *Castlereagh* denied that the Resolutions of the commissioners or committees referred to by the hon. mover, should have controlled government in respect to this appointment; though, he confessed, that those Resolutions were a great direction to them in the line of conduct to be pursued. But the great point in the present question was, whether the Resolution alluded to ought to be binding on government? And he was of opinion that it ought not. It was laid down for the conduct of the House, and, until a countervailing fund was provided for the crown to reward its servants, they had no right on their own principles, to expect that these inchoate resolutions were to be acted upon. It was, therefore, most unjust to demand of the minister, that he should make that selection of offices for abolition, which the House had itself undertaken; and it was his full justification that he had granted the place subject to the revision of parliament. He gave the hon. mover credit for his motives in bringing the question forward, but would vote against it, as it went to destroy the profits of an office, which office it left in existence, while the more proper mode of dealing with it would have been to decide, whether the office itself should or should not be abolished.

General *Turleton* passed the highest encomiums upon the personal character of colonel M'Mahon, and thought he had been greatly injured, if not insulted, by the appointment. It drew upon him a degree of obloquy both in that House and throughout the country, in consequence of the discussions which had taken place on the subject. The motives of the right hon. the Chancellor of the Exchequer he conceived to be very equivocal; for if, at the time he recommended the appointment, he had any expectation of going out of power, then he must have intended to involve the Prince Regent solely in the consequences of such an appointment.

The *Chancellor of the Exchequer* said he should trouble the House with but few observations, as he had given his sentiments fully in the committee. He certainly had not expected to be charged with ill-treating, not only the Prince Regent and the country, but Colonel M'Mahon also. If it was enough to move the indignation of a gallant officer to be recommended to a lucrative situation as the reward of his services, he was afraid that he had incurred the indignation of

Digitized by Google

the gallant general also by recommending him to be governor of Berwick. (A laugh). He must confess that his views of the question were totally different from those which had been taken by his hon. friend (Mr. Wilberforce), and, therefore, he acted from a very different conviction. If he had anticipated any serious danger to the country from recommending to this appointment, he should certainly have abstained from doing so. He could, however, see no danger in giving the place, on the express understanding that the continuance of it was as fully open to the determination of parliament after the appointment, as it was before. It must be remembered that he had opposed those resolutions which had been so often alluded to; and it was also to be recollected that they were mere resolutions of committees upon which parliament had not thought proper to proceed. When it was said, that a committee thirty years ago recommended the abolition of this place, he should consider the length of time rather an argument the other way, as it shewed clearly that parliament, during all that time, had not thought proper to act upon those resolutions. It, therefore, was too much to say, that it was the duty of ministers to act at all times in conformity to a resolution of a committee, which if it came to be discussed in that House, would possibly not be adopted. One hon. gentleman had conceived that he ought to have given the appointment to some political friend of his own, instead of selecting as he had done a gallant officer who had gained the favour of the Prince by faithful services for twenty or thirty years. Now, although many seemed disposed to argue that those places should only be the reward of political services of a civil nature, he was ready to maintain an opinion directly contrary. He would not allow it to be constitutional doctrine that every thing was to come through parliament, and nothing from the favour of the crown. He was convinced that there was no man who would say that such services as colonel M'Mahon's ought not, in some way or another, to be rewarded. He always conceived that there was nothing improper in the crown having the power of rewarding services by sinecure places; and it had been allowed on all hands, that if even the sinecures were abolished some other fund must be provided, in order to preserve to the crown its prerogative of rewarding services: and when he spoke of the constitutional prerogative of the crown in this respect, he thought that the question of services might be somewhat mixed with the consideration of the personal favour of the sovereign; and he was not afraid to say, that he thought it right that the crown should have the prerogative of conferring certain places not merely as a reward of services which parliament could take cognizance of, but in some instances, as acts of grace and favour, independent of any consideration of important services, either civil or military. He had often stated to the House his opinion respecting those sinecure places, and he did not see why he was bound to recommend the abolition of this particular sinecure more than any other. The question of sinecures generally, and of this particular sinecure, as well as any other, was still open to the discussion of parliament at any time; and he was convinced that there was nothing in this appointment, under all its circumstances, which could at all prevent parliament from freely discussing either sinecures generally, or this sinecure in particular, and determining as they might think proper.

Mr. *Whitbread* declared, that he had never heard a sarcasm more misplaced than that with which the right hon. gentleman began his speech. Was he acting in the conscientious discharge of his duty, when he gave the government of Berwick to his gallant friend near him, or was he not? Was it in reward of meritorious services, or was it with a view to parliamentary support? He would say, that the right hon. gentleman had seldom given more proper advice than when he advised the appointment of his hon. and gallant friend to that situation. As to colonel M'Mahon, it would be the general opinion in the public mind, that the place which he held, was granted to him as to the personal favourite of the Prince Regent. The right hon. gentleman himself had, in the course of his administration, made more offers of efficient situations than almost any other minister: he had very recently made offers of a similar nature, in various quarters; and it was one of the most inauspicious symptoms of the "new era" which had lately commenced, that these offers had been made, and had also been rejected. A noble lord under the gallery (lord Castlereagh) had told the House, that the present motion was quite unparliamentary; that the office itself should

Digitized by Google

be struck at, and not the salary. On the contrary, it was quite parliamentary. The crown might proclaim war, but it rested with that House to provide the means of carrying it on. The right of appointing to this office was vested in the crown; but it rested with that House whether or not they should ratify that appointment, by granting the money for the salary. The money once taken away, you took away the life of the office; if the House took away the money, the person who held the office would not be very ready to perform the duties, if any, that were attached to it. So that, in fact, the real point now for the House to determine was, whether they would concur in this appointment of the Prince Regent, by the advice of his minister, to an office their commissioners had more than once proclaimed ought to be abolished. But the right hon. gentleman alleged, that because the report of these commissioners had never been taken up, or acted upon, therefore parliament had, in fact, passed a silent negative on their resolutions. He would readily acknowledge, that many of the reports of their committees on finance and public offices had been suffered to slumber in oblivion on their table. Ministers had been able to stave off, and defeat by their manœuvres, from time to time, many of the measures successively recommended; and now, after an interval of years, they come forward and say, that it would be inconsistent in the House to take up a measure which they had contrived to stave off, on the ground that it had slumbered so long unheeded and unacted. But there was this to be said on the subject of delay, that in 1783, when the commissioners recommended the abolition of the office, there were two persons had vested interests in its continuance. But now he came to the pinching point; and would say, that the House was bound in every point of view, to take up the matter, because an improper appointment had been made;—an appointment improper as it respected the Prince Regent,—improper as it respected the declared form of the House,—and odious as it regarded the feelings of the people. Because this cancer had existed so long, was it sufficient to say that no remedy ought now to be applied? Colonel M'Mahon had told them, that he put himself, as to this office, entirely at the disposal of parliament. This was not saying much, for how could he do otherwise. The Chancellor of the Exchequer had said the same thing; but he had followed it up with a declaration which was virtually conveyed by his conduct, that he would do every thing to prevent parliament from taking the office away from the hon. colonel. To use his own language, he had given the office to its present possessor, (meaning, doubtless, that he had only advised the grant;) and he virtually declared that he would protect him in the enjoyment of it. If not counteracted by the vote of that night, the right hon. gent. might perhaps advise the Prince Regent to grant also a reversion of the office. He would again repeat, that it was a grant not decent towards the House of Commons; and he trusted their sense of its indecency would be expressed that night. What effect such a decision might have on the right hon. gentleman would remain to be seen. He had remained minister when supported by very small majorities; nay, even when in minorities he had still clung to power. Whether, should this Amendment be carried, he would still remain in power, what his future colleagues may be, what principles may prevail among them, could not be foreseen at present; these were things which remained for the future knowledge of the House, and of the country.—He would again repeat, that it was a grant most obnoxious to the people. The place was odious in itself. It was not to the additional expence of 2,700*l.* that the House could object: had it been thrown into the fund provided for the relief of the widows and orphans of those gallant and meritorious men who had lost their lives in the service of their country, no objection could possibly have been made. The abolition of a place so obnoxious, and such an application of the salary attached to it, would have been congenial to the best feelings of the people. No one would then have been heard to complain with feelings of indignation, that a person had reaped from the scanty pittance destined for the relief of widows and orphans, a remuneration for services performed to his prince. Was it not possible to give some other appointment for such services? Why, an office attached to that very House was now vacant, through the death of the gallant officer who lately filled it, (Mr. Colman), and what better or more appropriate place could have been found for rewarding the services of colonel M'Mahon? Why, then, was the minister so unadvised, as to be the instrument of casting this odium

Digitized by Google

on the Prince, at the very commencement of his administration? The office was most odious to the people, and though the emoluments might be small, yet the people would pay them with reluctance; while, on the contrary, if the same sum was added to the Widows' Fund, they would never think of begrudging it. In all these views he thought the appointment most improper; and it was still more to be lamented, as it seemed to stamp a character on the commencement of the new reign. It was an appointment which would be remembered in future times, if not to the obloquy of the Prince Regent, at least, to the discredit of his advisers. It would be said, at least, that the Prince Regent had a minister who advised him to do that, the inauspicious remembrance of which would prevail for a period, longer even than that to which the reign of his royal father had extended. He felt persuaded, however, that the House would that night express an opinion, that the office ought not to be retained.

Mr. *Sheridan* admitted, that if it were expected that the people should continue with passive fortitude to bear the burdens necessarily imposed upon them, an example must be set by the highest authority, of a disposition to abolish all unnecessary drains on the resources of the country. Still, however, he must think that a great deal of warmth had pervaded the present discussion, which did not properly belong to it. The place in question had certainly been condemned thirty years ago, as an useless sinecure, by a very respectable commission. That condemnation had been since confirmed by committees of the House of Commons. But he must agree with the right hon. the Chancellor of the Exchequer, that as no parliamentary proceedings had followed the reports of those committees, the right hon. gentleman would not have been authorised to say the place ought not to have been given. He lamented that the tone of his hon. friend who had just spoken, seemed to have been changed with respect to colonel M'Mahon. Although there had been many objections made to the grant itself, yet until the speech of his hon. friend, no objection had been adduced against the person on whom the grant was conferred. His hon. friend also accused the right hon. gentleman of selecting that person, with the view of gaining an undue influence, by humouring an undue prepossession on the part of his Royal Highness in favour of colonel M'Mahon. He knew nothing of the motives of those who advised the Prince Regent on this subject; but he confessed, that he doubted whether his hon. friend really believed that such was their object. He certainly did think that the place ought to have been abolished; and he sincerely wished that colonel M'Mahon had never accepted it. But the present proceeding appeared to him to be unjust and unfair. Why not bring forward a direct motion against the place, and not make a proposition which seemed to be as much directed against colonel M'Mahon as the office? With respect to colonel M'Mahon, no one had enjoyed a better opportunity of knowing that gentleman than himself, and he was persuaded, that a more sincere, a more disinterested, and a more independent man, was no where to be found. Even in the present question, colonel M'Mahon had no interest; for it was not to be supposed that if the decision of parliament compelled him to relinquish the office conferred upon him, his royal master would fail to remunerate his faithful services in some other way.

Mr. *Whitbread*, in explanation, disclaimed passing the slightest imputation on colonel M'Mahon. On the contrary, he had pointed out a lucrative and honourable office which in his opinion might have been with propriety conferred on that gentleman. His right hon. friend had mistaken his observations on influence. What he had said was, that the votes of that House would be more influenced by the consideration that colonel M'Mahon was the person filling the obnoxious situation, than they would have been, had any other individual been so circumstanced.

Lord *Cochrane* said, that in the view he took of the question he would fail in the duty he owed to the public and to himself, did he not assign reasons for the line of conduct he should pursue, and for withholding his support from the amendment, which, giving every credit to the honourable mover for his intentions, seemed inadequate to relieve the public in any sensible degree, though it might deceive them by inducing a belief that thier interests were regularly watched, notwithstanding that this House had suffered the reports of various committees on the subject of measures to lie dormant on the table, some of them for a period of 30 years. It appeared to him that the blame

Digitized by Google

which had been so lavishly bestowed on the Regent and his advisers was due to the House, whose duty it was to revise and consider of the propriety of enforcing the opinions expressed by its committees. It was not for his Royal Highness or his ministers to judge of the fitness of enforcing their decisions, and he was the more confirmed in this belief by a Bill he held in his hand, prohibiting the renewal of three, and three only out of the long list, which their committees had declared to be useless and burdensome to the country. It was the bounden duty of the House then to have pronounced upon the whole class, and not partially; they ought to have enumerated the sinecures to be abolished, and so put it out of the power of any ministers whatsoever to do that which had been left to their discretion. For these reasons he could not consent to throw the odium on the shoulders of the Regent and his ministers, by singling out a comparatively insignificant place from a long list of enormous sinecures, upon which the House had not so much as expressed an opinion, notwithstanding the numerous reports of its committees. He should therefore quit the House without voting, in the hope that the question would be brought forward in an unobjectionable form.

The House then divided, when the numbers were,

For Mr. Bankes's Resolution.....115
For the Original Resolution 112
Majority for the Abolition of Colonel M'Mahon's Sinecure— 3

List of the Majority.

Abercromby, hon. J.
Adams, C.
Babington, T.
Baker, John
Baker, P. W.
Bankes, W. J.
Baring, Sir T.
Bastard, J. P.
Bennet, hon. H. G.
Bennet, R. H. A.
Bernard, S.
Biddulph, R. M.
Blackburn, J.
Bouverie, hon. B.
Bowyer, sir G.
Brougham, H.
Brand, hon. T.
Buller, Jas.
Burdett, sir F.
Burrell, sir C.
Busk, W.
Byng, G.
Calvert, N.
Colborne, N. W. R.
Combe, H. C.
Curwen, J. C.
Cuthbert, J. R.
De Ponthieu, J.
Dickinson, W.
Dugdale, D. S.
Duncannon, visc.
Dundas, hon. R. L.
Eden, hon. G.
Elliot, rt. hon. W.
Fane, John
Ferguson, R. C.
Fitzroy, lord W.
Folkes, sir M. B.
Folkestone, visc.
Fremantle, W. H.
Giles, D.
Gordon, W.
Gower, earl
Grattan, rt. hon. H.
Greenhill, R.
Grenville, lord G.
Guise, sir W.
Halsey, J.
Hamilton, lord A.
Herbert, hon. W.
Hibbert, G.
Horner, F.
Howard, hon. W.
Hutchinson, hon. C. H.
Ingilby, sir W.
Johnstone, G.
Keck, G. A. L.
Kemp, T.
Lamb, hon. W.
Lefevre, C. S.
Lemon, sir W.
Lester, B.
Lockhart, J. J.
Macdonald, J.
Madocks, W. A.
Markham, J.
Martin, H.
Miller, sir T.
Mills, C.
Mills, W.
Neville, hon. R.
North, D.
O'Hara, C.
Osborne, lord F.
Ossulstone, lord
Piggott, sir A.
Pochin, C.
Ponsonby, hon. G.
Ponsonby, hon. F.
Porcher, J. D.
Power, R.
Price, R.
Prittie, hon. F. A.
Ridley, sir M. W.
Robarts, A.
Romilly, sir S.
Sebright, sir J.
Sharp, R.
Sinclair, G.
Smith, A.
Smith, S.
Smith, G.
Smith, J.
Scudamore, R. P.
Shiffner, ——
Smith, W.
Speirs, A.
Stanley, lord
Tarlton, B.
Temple, earl
Thornton, H.
Tighe, W.
Tierney, rt. hon. G.
Tracy, C. H.
Tremayne, J. H.
Vernon, G. G. V.
Ward, hon. J. W.
Warrender, sir G.
Whitbread, S.
Wilberforce, W.
Williams, O.
Wynn, C. W. W.
Wilkins, W.
Wrottesley, H.

TELLERS.

Bankes, H.
Sumner, G. H.

List of the Minority.

Ashburnham, hon. G.
Arbuthnot, rt. hon. C.
Bagwell, rt. hon. W.
Beresford, J. P.
Bathurst, rt. hon. C.
Bernard, visc.
Bernard, T.
Bickerton, sir R.
Bisshopp, C.
Bradshaw, hon. A. C.
Brodrick, hon. W.
Brogden, J.
Brooke, lord
Browne, J. H.
Burghersh, lord
Carew, rt. hon. R.
Castlereagh, visc.
Chute, W.
Clark, sir G.
Cochrane, G.
Cooper, E. S.
Corry, T. C. S.
Courtenay, T. P.
Crickitt, R.
Croker, J. W.
Collins, H. P.
Desart, lord
Disbrowe, col. E.
Drummond, H.
Dundas, rt. hon. W.
Duckett, col.
Dufferin, lord
Egerton, J.
Eliot, hon. W.
Ellison, R.
Evelyn, L.
Fane, gen.
Fitzgerald, W.
Farquharson, T.
Fitzhugh, W.
Foulkes, E.
Goulbourn, H.
Graham, sir J.
Greenough, G. B.
Hall, B.
Hamilton, Hans
Hamilton, sir C.
Harbord, hon. E.
Headley, lord
Herbert, H. A.
Hill, sir G.
Holdsworth, A. H.
Holford, G. P.
Holmes, W.

Digitized by Google

Houston, A.
Hume, sir A.
Kenrick, W.
Lethbridge, T. B.
Leycester, H.
Loftus, gen.
Long, rt. hon. C.
Lovaine, lord
Lowther, visc.
Lushington, S. R.
Lygon, hon. W.
Maitland, E. F.
Montague, M.
Montgomery, sir J.
Moore, lord H.
Moorsom, A.
Morris, E.
Myers, T.
Nepean, sir E.
Neville, R.
Nicholl, sir J.
Paget, hon. B.
Palmerston, lord
Perceval, rt. hon. S.
Percy, earl
Phipps, hon. E.
Peel, sir T.
Peel, R.
Prendergast, M.
Plomer, sir T.
Pole, rt. hon. W.
Porter, general
Rainier, J. S.
Ramsbottom, J.
Robinson, hon. F.
Rose, rt. hon. G.
Ryder, rt. hon. R.
Seymour, lord R.
Sloane, W.
Sheridan, rt. hon. R. B.
Singleton, M.
Smith, Joshua
Somerset, lord C.
Sutton, rt. hon. C.
Swann, H.
Thornton, S.
Thornton, R.
Thynne, lord J.
Tyrwhitt, T.
Wallace, rt. hon. T.
Walpole, lord
Ward, R.
Wellesley, R.
Wemyss, general
Wharton, R.
Wilson, G.
Yarmouth, lord
Yorke, rt. hon. C.
Yorke, sir J.

HOUSE OF COMMONS.

Tuesday, February 25.

PROCEEDINGS RELATING TO THE EXPULSION OF MR. BENJAMIN WALSH.] Mr. *Bankes* rose, pursuant to notice, to move for certain Papers relating to a Member of that House, which were necessary for him to ground the case on, which it was his intention to bring forward, and that complaint which he meant to prefer. In the first place he would move for "A Copy of the Record of the Conviction of Mr. Benjamin Walsh, at the Old Bailey, for Felony." He would then move an humble Address to the Prince Regent, praying that he would be graciously pleased to cause "A Copy of the Pardon which had been granted to Mr. Walsh, together with a copy of the Judges' Letter, in consequence of which the pardon was granted, to be laid before that House." Here he thought it became him to say, that the Pardon granted could not have been granted to Mr. Walsh, but as it might have been granted to any other individual. Whether Mr. Walsh had been the highest or the lowest person in the state, whether he had been a member of that House, or one of the meanest individuals out of doors, he could only have been exempted from punishment by a free pardon. The next paper he should call for was, the Letter from Mr. Walsh to his brother, dated Dec. 5, 1811, and produced at the Old Bailey on his trial, in which he confessed the offence with which he had been charged. He should also move, "That Mr. Jenkyns' the solicitor for the trial, be required to attend the House with the Letter which he had just mentioned." In addition to motions for those papers, the only proposition which he should at present submit to the House was, "That Mr. Walsh do attend this House in his place on Thursday next." The several Motions were agreed to. The Papers ordered to be produced are as follow:

PAPERS

RELATING TO MR. BENJAMIN WALSH.

London, January Session 1812.

THE KING against BENJAMIN WALSH.

Copy of Record of the Conviction of Benjamin Walsh, for Felony.

London. Be it remembered, That at the general quarter session of the peace of our lord the king, holden for the city of London, at the Guildhall within the said city, on Tuesday the 14th day of Jauuary, in the 52nd year of the reign of our sovereign lord George the 3rd, &c.; before Claudius Stephen Hunter, esq. mayor of the city of London, sir Watkin Lewes, kt. Harvey Christian Combe, esq. sir James Shaw, bart. Thomas Smith, esq. aldermen of the said city, John Silvester, esq. recorder of the said city, Samuel Goodbehere, esq. one other of the aldermen of the said city, and others their fellows, justices of our said lord the king assigned to keep the peace of our said lord the king within the said city; and also to hear and determine divers felonies trespasses and other misdeeds committed within the said city; by the oath of Benjamin Wood, Frederick de Lisle, James Lawson, Edward Dampier, Isaac Vale, William Titford, Richard Good, Samuel King, John Barlow, Walter Rochfort, John Capron, James Burrows, John Simpson, John Berger, John Wilson, Christopher Atkow, Francis Wyman, James Hunter, Samuel Tidswell, William Buttery, George Morewood, Alexander Morison and Richard Lewis, good and lawful men of the said city now here sworn and charged to enquire for our said lord the king for the body of the same city, it is presented in

Digitized by Google

manner and form following; that is to say; London (to wit) the Jurors for our lord the king upon their oath present, That Benjamin Walsh late of London stockbroker, on the 5th day of December in the 52nd year of the reign of our sovereign lord George, &c. at the parish of St. Dunstan in the West in the ward of Farringdon without, in London aforesaid, with force and arms feloniously did steal take and carry away 22 bank notes each of the said bank notes being made for the payment of the sum of 1,000*l.* and being of the value of 1,000*l.* of lawful money of Great Britain, and one other bank note made for the payment of the sum of 200*l.* and being of the value of 200*l.* of like lawful money there then found (the said several bank notes and each of them then and there, to wit, at the time of committing the felony aforesaid, being the property of sir Thomas Plumer, knt. and the money payable and secured by the said bank notes respectively then and there being due and unsatisfied to the said sir Thomas Plumer the proprietor thereof) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: and the jurors aforesaid, upon their oath aforesaid, do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid, in the parish and ward aforesaid, feloniously did steal take and carry away a certain bill of exchange made for the payment of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money there then found (the said bill of exchange then and there, to wit, at the time of committing the felony last aforesaid, being the property of the said sir T. Plumer, and the said sum of money for the payment whereof the said bill of exchange was made then and there being due thereon to the said sir T. Plumer the proprietor thereof) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: and the jurors aforesaid upon their oath aforesaid do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid, in the parish and ward aforesaid, feloniously did steal take and carry away a certain other bill of exchange made for the payment of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money there then found (the said last-mentioned bill of exchange then and there, to wit, at the time of committing the felony last aforesaid, being the property of the said sir T. Plumer, and the said sum of money for the payment whereof the said last-mentioned bill of exchange was made then and there being due thereon) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: and the jurors aforesaid upon their oath aforesaid do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid, in the parish and ward aforesaid, feloniously did steal take and carry away a certain Warrant made for the payment of money, to wit, of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money there then found (the said warrant then and there, to wit, at the time of committing the felony last aforesaid, being the property of the said sir T. Plumer, and the said sum of money for the payment whereof the said warrant was made then and there being due thereon to the said sir Thomas Plumer the proprietor thereof) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: and the jurors aforesaid upon their oath aforesaid do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid, in the parish and ward aforesaid, feloniously did steal take and carry away a certain other Warrant made for the payment of money, to wit, of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money there then found (the said last mentioned warrant then and there, to wit, at the time of committing the felony last aforesaid being the property of the said sir T. Plumer, and the said sum of money for the payment whereof the said last mentioned warrant was made then and there being due thereon) against the form of the statute in such case made and provided, and against

Digitized by Google

the peace of our said lord the king his crown and dignity: and the jurors aforesaid upon their oath aforesaid do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid, in the parish and ward aforesaid, feloniously did steal take and carry away a certain other Warrant made for the payment of money, to wit, of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money there then found (the said last mentioned warrant then and there, to wit, at the time of committing the felony last aforesaid being the property of the said sir T. Plumer, and the said sum of money secured by the said last mentioned warrant then and there being unsatisfied to the said sir T. Plumer the proprietor thereof) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: and the jurors aforesaid upon their oath aforesaid do further present, That the said Benjamin Walsh afterwards, to wit, on the 5th day of December in the 52nd year of the reign aforesaid, with force and arms at London aforesaid in the parish and ward aforesaid, feloniously did steal take and carry away a certain other Warrant made for the payment of money, to wit, of the sum of 22,200*l.* of lawful money of Great Britain, and being of the value of 22,200*l.* of like lawful money, there then found (the said last-mentioned warrant then and there, to wit, at the time of committing the felony last aforesaid, being the property of the said sir T. Plumer, and the said sum of money secured by the said last-mentioned warrant then and there being unsatisfied) against the form of the statute in such case made and provided, and against the peace of our said lord the king his crown and dignity: Wherefore the sheriffs of the said city of London are commanded that they do not omit by reason of any liberty within the said city, but that they take the said Benjamin Walsh to answer the premises; which said indictment the said justices abovenamed, afterwards, to wit, at the general session of the delivery of the gaol of our lord the king, of Newgate holden for the city of London at Justice-hall in the Old Bailey, within the parish of Saint Sepulchre, in the ward of Farringdon without, in London aforesaid, on Wednesday the 15th day of January, in the 52nd year of the reign of our sovereign lord George the third, &c. before Claudius Stephen Hunter, esq. mayor of the city of London; sir Archibald Macdonald, knight, chief baron of our said lord the king of his court of Exchequer; sir Simon Le Blanc, knight, one of the justices of our said lord the king, assigned to hold pleas before the king himself; sir Alan Chambre, knight, one of the justices of our said lord the king of his court of Common Pleas; sir Watkin Lewes, knight, Harvey Christian Combe, esq., sir James Shaw, bart., sir Wm. Leighton, knight, aldermen of the said city; John Silvester, esq. recorder of the said city; Wm. Domville, esq., Matthew Wood, esq., Samuel Goodbehere, esq., other of the aldermen of the said city; Newman Knowlys, esq. and others their fellows justices of our said lord the king assigned to deliver the said gaol of Newgate of the prisoners therein, being by their proper hands, do deliver here in court of record in form of law to be determined; And thereupon at the same general session of the delivery of the gaol of our lord the king, of Newgate aforesaid, holden for the said city of London at Justice-hall aforesaid, on the said Wednesday the 15th day of January in the 52nd year aforesaid, before the justices of our said lord the king last above named, and others their fellows justices aforesaid, cometh the said Benjamin Walsh under the custody of Samuel Birch esq. and William Heygate esq. sheriffs of the said city of London, into whose custody in the gaol of Newgate aforesaid, for the cause aforesaid, he had been before committed, and being brought to the bar here in his proper person is committed to the said sheriffs; and forthwith concerning the premises in the said indictment above specified and charged on him, being asked in what manner he will be acquitted thereof, the said Benjamin Walsh says, he is not guilty thereof; and concerning this for good and ill he puts himself upon the country; and Thomas Shelton gent. clerk of the session of gaol delivery of Newgate aforesaid, who prosecutes for our said lord the king in this behalf doth the like; therefore let the jury thereupon here immediately come before the said justices of our said lord the king last above named and others their fellows justices aforesaid, and who have no affinity to the said Benjamin Walsh, to recognize upon their oath, whether the said B. Walsh be guilty of the felonies

Digitized by Google

aforesaid, in the said indictment above specified and charged on him, or not: And the jurors of the said jury by the said sheriffs to this matter impannelled and returned (to wit) William Grove, William Self, Robert Snell, John Clulow, James Masters, William Poyner, Thomas Owen, Henry Mackrell, John Francklin, William Brown, Nathaniel Ainger, and William Duncalf, being called come; and who being chosen tried and sworn to speak the truth of and concerning the premises aforesaid, say upon their oath, That the said B. Walsh is guilty of the felonies in the said indictment above specified, in manner and form as in and by the said indictment they are supposed against him, and that the said B. Walsh at the time of committing the said felonies or at any time since, had no goods or chattels, lands or tenements to the knowledge of the said jurors: And because the court is not yet advised of giving judgment of and upon the premises aforesaid, Therefore day is given as well to the said Thomas Shelton who prosecutes for our said lord the king in this behalf as aforesaid, as unto the said B. Walsh under the custody of the said sheriffs in the meantime safely to be kept until the next general session of gaol delivery of our said lord the king, to be holden for the said city of London, to hear judgment thereof, &c. THOMAS SHELTON,

"Clerk of the said Session
"of Gaol Delivery."

15 *February* 1812.

The Lord Chief Baron to Mr. Secretary Ryder.

(Benjamin Walsh.)

"Sir; I have the honour to acquaint you, for the information of his royal highness the Prince Regent, that Benjamin Walsh was indicted before me at the last sessions holden at the Old Bailey, for stealing from sir Thomas Plumer a certain order for the payment of 22,200*l.* and also stealing bank-notes to that amount.—The facts of his having formed the design of converting this money to his use, and of actually so converting much the greater part of it, were proved without contradiction.—But doubts having occurred to Mr. Justice Le Blanc and myself, (Mr. Justice Chambre being absent from indisposition) the case was reserved for the judges to consider whether the facts proved amounted to the crime of larceny.—The argument of counsel concluded last night; and the case was considered by ten judges present (two being confined by illness) who were of opinion that the facts proved did not, in estimation of law, amount to felony.—The prisoner having been convicted of that offence, I am humbly to recommend him as a proper object of his Majesty's pardon. I am, &c.

"AR. MACDONALD."

Benjamin Walsh.—Free Pardon.

In the name and on the behalf of his Majesty.

"GEORGE *P. R.*

"Whereas Benjamin Walsh was, at a session holden at the Old Bailey in January last, tried and convicted of felony, but judgment was respited; We in consideration of some circumstances humbly represented unto us touching the said conviction, are graciously pleased to extend our grace and mercy unto him, and to grant him our free Pardon for his said crime: our will and pleasure therefore is, that you cause him the said Benjamin Walsh to be forthwith discharged out of custody: and for so doing this shall be your warrant.—Given at our court at Carlton house, the 20th day of February, 1812, in the 52d year of our reign.—By the command of his royal highness the Prince Regent, in the name and on the behalf of his Majesty. R. RYDER."

"To our trusty and well-beloved our justices of gaol delivery for the city of London and county of Middlesex, the sheriffs of the said city and county, and all others whom it may concern."

LETTER of BENJAMIN WALSH to JOSEPH WALSH; dated 5th Dec. 1811; which was produced in Evidence, upon the Trial of the said BENJAMIN WALSH, at the Old Bailey.

"My dear Joe;

"How to acquaint you with the step I have taken, or in what terms you will think of your poor brother's conduct, I am bewildered in conjecturing; but I know your affection for me, will induce you to judge charitably of me; and I trust that I shall yet be remembered by you, if not with esteem at least with pity.

"This last blow, of which I can now scarcely entertain a doubt, deprived me of all hope of extricating myself from the difficulties in which I was involved; and upon looking into them, I found them much

Digitized by Google

greater than I had imagined.—My commission business, which I expected would increase, has become a hopeless resource, as it would furnish but a very small portion of my expenditure; and every attempt that I have made, to assist by other means, has ended in failure and loss.—I did look forward with hope to the connection I proposed to you; and if this late unfortunate event had not occurred, I think it possible I might have struggled through, as I have no doubt it would have answered our utmost wishes; and I trust that you will persevere in it with the fullest success. But I saw that it was impossible for me to provide the means, and there was no chance of saving myself from ruin, and my dear wife and children from poverty, and my brothers and sisters from loss by me, which they could ill afford, but to pursue a step, which though it will bring disgrace on my name, yet will afford me the means of preventing these dreadful calamities. You, who know my principles, may well conceive that to resolve on a direct dishonest act, must have given me much pain; but when I pictured to myself my sweet children in want, I resolved to take the means for their support from one, to whom the loss would be but imaginary, as his fortune and accumulations far exceeded his expenditure; and his mercenary disposition would have induced no one to regret his loss.—I have not had the opportunity I looked for with this person (Mr. O.)—but it has been afforded me by another, who though in a great respect free from the latter imputation, yet has every advantage of the former.—He has ever been a kind friend to me, and I fear the act will add ingratitude to the crime; but I had no other chance, and the die is now cast.—Oh! my God, pardon my heinous offence.—Sir Thomas Plumer employed me to sell a large sum of stock to pay for an estate, and I have withheld a part of the proceeds. I might have taken all; but I thought it crime enough for my future life to answer for, to take what I conceived would be sufficient to maintain my family in competence, and pay those debts which hung the heaviest on my mind.—I have already remitted it abroad; and though my person is safe from arrest, yet I have resolved to follow it, as I can never live in this country without shame and dishonour. It has been a heart-breaking struggle to leave you all; and I know I shall cause you great affliction, where I would bestow nothing but happiness.—What will my poor Mary say, if she hears it in her present state?—She thinks me gone to Ireland; and there is a hope that it may be concealed from her till after her confinement, which she expects in about a week, if it should not get into the newspapers; though it may be possible that sir T. P. may not make it public at all—at all events it cannot be known till the beginning of next week.—I must impose the afflicting duty of communicating it to her upon you and dear Jane, as circumstances may arise or as you shall judge best.—I enclose three letters, which you can use as you think fit, according to their dates, and send them to Hackney by the stage in a parcel with the newspaper from the office—they will I think carry Mary over the first part of her confinement.—It breaks my heart to be from her at such a time; but I shall pray night and day for her safety.—I cannot yet write to her on this fatal subject.—Pray palliate my conduct as much as you can, and assure her that my affection for her and the dear children will never forsake me.—I cannot hope to see them again for a long, long time, and I shall be an unhappy outcast upon the earth; but I will not fail to think of them with the sincerest affection, and will remit sufficient for their support.—You will find I have left with you what will last for some time, and when our thoughts are more at ease, we shall be able to form some settled plan.—The house, and great part of the furniture, belong to my father's estate; and I think it will be better that you should take possession of it as executor; the lease is at Daun and Crosland's.—Mary, I hope, will still reside in it.—You can in confidence consult Tilson; or perhaps it will better Mr. Potts or Mr. Milne.—The bills for repairs and furniture you had better pay, and have them made out in your name.—I have paid in part, Rumens 60*l.*—Shepherd 30*l.*—and Simmons 20*l.*—In my drawer you will find the inventory of furniture sold to my father, which is to be deducted from his claim on W. and N.'s estate. You had better remove whatever plate is not mentioned in it, as perhaps execution may possibly be taken out; though it cannot happen without process, which will take some time—however, this you will consult on.

"And now, my dear brother and sister, may God ever protect and bless you; you will never be absent from my thoughts or my prayers.—I have

Digitized by Google

ever experienced from you the kindest, most disinterested and affectionate attention—would to God that we might yet see each other—the most distant hope would be some consolation—but I dare not indulge it:—my dear sisters, too, what will they say or think of me?—I must beg you, I cannot write to them—pray say every thing you can for me.—I must beg you too, when necessary, to apprize the Clarke's of this event.—Our two families are almost the only real friends I believe remain to me—but what a task do I impose on you.—Only say that you forgive me, and that I have not wholly lost your affectionate regard, and it will afford some comfort to your afflicted, yet affectionate brother,

"Angel Court, Dec. 5, 1811. B. W."

"I will write to you as soon as I can fix where you can direct to me.—The post from Dublin is three or four days; you can make it more, if necessary, with the excuse of contrary winds."

BANKERS' EMBEZZLEMENT BILL.] Mr. *Drummond* rose to move for leave to bring in a Bill for more effectually preventing the Embezzlement of Securities for money, and other effects, left or deposited for safe custody, or other special purpose, in the hands of bankers, merchants, agents, brokers, attornies, or others. Without referring to a late case which had made much noise in the country, it was well known, that a number of instances had occurred within these few years, of violations of trust, for which there was no existing punishment; and it became therefore necessary for the legislature to interfere, that the subject might have that security for his property to which he was entitled. The Bill now proposed to be brought in could hardly be said to be an addition to the criminal code of the country; it was more properly an extension of an act already in existence, by which it was made felony for servants or clerks to embezzle or misapply the property of their masters entrusted to them.

Mr. *J. Smith* said he felt particular pleasure in rising to second the motion of his hon. friend. There were many recent instances, and particularly one glaring instance, (that of Mr. Walsh) which proved the necessity of the introduction of this Bill. As the Bank of England made it a point not to keep any account for certain securities, it was necessary for individuals to lodge Exchequer Bills, India Bonds, &c. in private hands, and many frauds were the consequence, which, as the law now stood, were not properly prevented or punished. The object of the present Bill was in a great degree to assimilate the law which now punished the master, to that which punished the servant. It was known to the House, that if a servant embezzled property entrusted to his care, he was thereby guilty of felony; whereas the master for the same act was only adjudged criminal for a misdemeanor. He thought it extremely strange that one law should exist for one part of his Majesty's subjects, and another for another. It was an anomaly which ought immediately to be done away with. After the Bill was introduced, he was aware that it would require much attention to render it effectual in all its provisions, and in order to prevent its throwing a degree of responsibility on any class which they were not in fairness bound to support. In the opposition, which it was natural to expect would be made, either to the Bill itself, or to some of its clauses, he hoped that much benefit might be derived from the counsel and opinion of different persons in the views which they might take of the question.

Mr. *Morris* thought there was a singularly disgusting anomaly in the law on this subject as it at present stood. The servant of the party entrusted with money could be punished for a breach of trust, while the master escaped with impunity. He feared this anomaly would not altogether be removed by the Bill about to be brought in. He certainly did not mean to oppose the motion, but he thought many of the inconveniences at present complained of might be traced to a want of caution in the parties depositing their money, and he would not give them a penal statute to guard that which with prudence they might guard themselves. They ought to be discreet in the choice of their bankers, to watch over their conduct, and see that their securities were forthcoming; and that would be more likely to prevent the evil complained of, than the making of it a capital offence. He thought there would be less objection to making such an offence a misdemeanor, than to making it felony. The law proposed, might have the effect of making the parties depositing money more supine than they were at present, more negligent

Digitized by Google

instead of more discreet. Many difficulties would arise from the existence of this law, which it would be impossible to get over. If the House were to legislate on every particular case of moral depravity which occurred, there would be no end to our penal code. If every breach of trust was to be considered a capital felony, why should not an executor, for instance, who was the means of reducing a number of children to beggary by his conduct, incur the punishment of death.

The *Chancellor of the Exchequer* said, that he was glad that the hon. gentleman did not mean to oppose the introduction of the Bill, whatever he might think of its efficacy. He was aware that there was much difficulty in rendering it perfectly calculated to meet the evil it was proposed to remedy; but there would be ample opportunity for giving it a full consideration. With respect to the argument, that no advantage would arise from making the crime a misdemeanor, he conceived that the punishment of transportation would be a sufficient ground of terror, as it regarded those who might be disposed to commit this description of crime. The hon. gentleman also seemed to imagine that the Bill would tend to make individuals more lax and careless; but he did not apprehend that such a consequence would follow, and he was of opinion that the attention of those individuals whom the Bill regarded, would be awakened more to a sense of duty than by any possible attention of those to whom property belonged. Besides, he apprehended it would be impracticable to make a law obliging persons to be more attentive to their property. The necessity of some measure like the present, appeared more strongly, from two recent instances: but his hon. friend could not be charged justly with legislating on the spur of the moment, as neither the case of Mr. Walsh nor any other recent failure, pointed out the necessity of a legislative enactment, more than what had occurred for many years to the ruin of several individuals, and no doubt existed in any one's mind of the enormity of the offence. He conceived, that the present measure would have the most beneficial effects in causing an inquiry also into the practicability of making all the offences under this denomination rank as misdemeanors. On the whole, the Bill had his full concurrence: in the committee, it would unquestionably require all the attention of professional gentlemen to see that the purport of it was carried into effect.

Mr. *Horner* agreed with the right hon. gentleman who spoke last, that they were not legislating on an individual instance; for there were, unfortunately, but too many instances attended with sufficient distress to call on the legislature for a remedy. He had, however, doubts of the expediency of the present measure. There was a danger lest they should overstep a salutary line in legislation, by attempting to do for individuals what individuals ought to do for themselves, and carrying penal laws to such an extent as to place mankind in a state of tutelage. The act against servants differed from the present; for it did not create a substantive class of offences, but merely reduced a particular offence within the head of felony which, by legal subtlety, could not be considered as such. He had seen the present Bill, which he believed to be drawn up with great care; but there was one observation he could not help making respecting it, that its provisions extended to all sorts of property entrusted to another. Now, when he recollected the amount of the property held in trust in this country, he was afraid of the effect it might have in depriving the courts of equity of the power of affording redress in cases of abuse of trust, from the principle of a person not being obliged to state what might criminate himself. In this manner the present Bill might introduce more insecurity into property than could be compensated for by any benefit which it might in other respects produce.

Mr. *Baring*, while he expressed the obligation which he felt as a merchant, to the hon. gentleman who introduced this measure to the attention of the House, yet feared that the great difficulty which would occur was in the distinguishing common commercial trusts, and trusts on deposit. The case of Mr. Walsh, however heinous, he conceived it impossible to provide against. In the case of common commercial trusts a sum was deposited with the merchant, who entered it on his books, and the money went into circulation. Whatever difficulties might arise in this and other points, he thought the commercial world much indebted to the hon. gentleman.

Mr. *Manning* spoke in favour of the Bill, which, he contended, was more intended to secure the money deposited for safe custody, than to operate in any other case.

Digitized by Google

Leave was given to bring in the Bill.

PARISH REGISTERS' BILL.] Mr. *Rose*, in pursuance of the notice he had given, wished to obtain the attention of the House to a few observations he had to make previous to submitting to their consideration the motion he intended to bring forward relative to Parochial Registers. He was sorry to find that many misconceptions had gone abroad respecting the measure, which he had no doubt would be done away when the nature of the Bill he now meant to introduce should be generally known. It must, he thought, be universally allowed, that parish registers were of great importance to all ranks and classes of people from the nobleman to the peasant; and it was highly desirable they should be regularly entered, and safely deposited. At present, instead of being kept in the house of the clergyman of each parish, they were kept in a very slovenly manner in the dwelling of the parish clerk, and he had found, as Treasurer of the Navy, numberless instances of the widows of seamen, who, from this culpable negligence, were not able to prove their marriages. He was surprised to find that his intention to bring in this Bill had given considerable alarm to the clergy in many parts of the kingdom, and that in the neighbourhood of Epsom a meeting of clergymen had been called on the subject; but he was sure when they became acquainted with what was meant to be done they would immediately be free from such alarms. It was his intention in the present Bill to enact that all registers throughout the kingdom should be uniform, and that the parishes should supply themselves with the form from the king's printer: that the registers of births, baptisms, marriages, deaths, &c. should be entered into a book to be kept for the purpose by the clergyman of every parish; that such register should be made up once every year, and a duplicate thereof transmitted to the bishop of the diocese. Dissenters to have the power, at the end of every quarter, or of every year, to deliver their registers on oath to the clergyman of the established church of the parish in which such dissenters resided. At present all registers were kept in dwelling-houses, in a very insecure way. It would be highly culpable to suffer them to remain so; and he therefore moved for leave to bring in a Bill for the better regulating and preserving parish and other registers of births, baptisms, marriages, and burials in England.

Mr. *Bathurst* thought the object of the Bill commendable, and that it deserved support, if it did not trench on the feelings of individuals. There existed a mass of confusion in these registers, which it would be most beneficial to the general interests of the community to have remedied: but he hoped the Bill would be freed from all the objectionable parts, which abounded so much in that brought in by the right hon. gentleman, on the same subject, last session; such, as if a clergyman failed in accuracy in keeping such registers, he should be liable to felony; in other cases, to be suspended from his functions, and liable to imprisonment for a certain number of days. These things, he believed, had caused great alarm; and if not done away in the present Bill, such alarm would be increased.

Lord *Folkestone* did not object to the introduction of the Bill, as he understood it was a measure of quite a different nature from that of last session, to which he had many and great objections. Some of these his lordship proceeded to enumerate, and then turned to the consideration of the Bill now proposed. There were, he said, other modes of enforcing the law for the more perfect keeping of these registers, already in the power of the bishops of the various dioceses. If the law, as it now stood, therefore, was ineffectual, the most simple and efficacious mode would be to invigorate it, and not, as the right hon. gentleman wished, shape out an entirely new course. But there appeared to be some reason for this total change, which was, that it would lead to a source of revenue, as new offices would be created, and stamps were to be necessary before extracts were given from the records. The object was, however, desirable, though great care and attention was necessary in framing the Bill.

Mr. *W. Smith* observed, that if the clergy, as well as the laity, had considered the Bill with the same spirit of conciliation that had actuated the House, much of the ill-blood to which it had given rise would have been spared. He was convinced that the right hon. gentleman had only the public benefit in view, as was shewn by his conduct during the last year, when he procured his act to be circulated through the country, courting objections and amendments to it. His chief design, in now rising, was to contradict an opinion, which he was informed had gone

Digitized by Google

abroad, that this Bill was introduced at the suggestion and for the benefit of certain dissenters. In truth, of all persons, they would receive the least advantage from it: indeed they were called upon, perhaps unnecessarily, compulsorily to deliver in registers which were not before required. He said unnecessarily, because they had already a much better means than was here offered, of preserving them with the utmost regularity, and with little or no danger, from accidental causes. They had besides, this additional merit, that they were registers of births, and not of baptisms. He had been commissioned last year to learn from those with whom he was particularly connected, whether the dissenters had any objection, as far as related to them, to comply with the proposed measure, and he was happy to say that they had no wish to start any difficulty.

Mr. *Rose* replied in a few words, denying that patronage or revenue were in the slightest degree connected with the design of the measure. With regard to the first, the little there was of it was entirely with the archbishop of Canterbury; and the second was answered by saying, that it would not produce one farthing.

Leave was given to bring in the Bill.

DROITS OF ADMIRALTY.] Mr. *Brougham*, in pursuance of a previous notice, rose to move, "That a Select Committee be appointed to inquire into the application of the various sums received as Droits of the Crown and of Admiralty." He observed, that when he formerly submitted a similar proposal to the House, it was resisted on various grounds, but principally it was urged that he had not chosen a convenient time for the adoption of his Resolutions, pending a certain contract which was said to have been entered into with the crown, at the commencement of the present reign, for the establishment of the civil list. Such an objection could not now be urged, and from the general result of the debate, the country had certainly every reason to hope that an inquiry of a most important nature would now be commenced, preparatory to a new and general settlement of the civil list revenue. He did not believe that on the previous debate one hon. gentleman had denied the right of the House to examine into the application, as well as into the amount of this fund, and the right hon. the Chancellor of the Exchequer had told the House, that fully conscious of the due employment of these monies, and that not the slightest abuse of them could, by the most strict investigation, be discovered, he should, at the proper time, have courted the most minute inquiry upon the subject. As that proper time was now arrived, in order to give the right hon. gentleman an opportunity of acting up to his professions, that he might shew the burdened nation that they were not the mere hollow pretences of temporary expediency, he now submitted the subject again to the decision of the House.—He contended, that funds that had been discussed and appropriated by parliament were subject to its controul, and to be accounted for. But how much more ought these funds to be liable to inquiry and explanation, which had never been voted by parliament; which arose out of sources with which they could not intermeddle; and which had never been controlled or canvassed by them? For all they knew of the matter from the papers on their table, was, that certain sums had been paid to certain individuals. It was not necessary for his present purpose even to allege that any abuse existed, or could exist: to shew that the items, of which the accounts before them were made up, were utterly unintelligible to them, was a sufficient ground for the appointment of a Select Committee up stairs, to ascertain their nature and condition. In order to shew that this was the case, he would divide the accounts on the table into four separate classes, to which he begged leave to call the attention of the House. In this classification, he would keep entirely out of view all sums issued after messages to parliament, and sums actually paid to captors and claimants pursuant to the original design of the fund.

The first class consisted of sums paid, but which did not, on the face of these accounts, appear to have been paid indisputably, to captors or claimants on account of prizes.

The second class, which was smaller than the first, consisted of sums, paid apparently on the same account, but not likely to be so in reality, as might be gathered from the items themselves.

The third class, which was again still smaller than either of the former, consisted of sums paid, for which no grounds whatever were given; and

The fourth and last class was composed of sums issued for services, not having any connection with the original intention of the fund, and not being paid to captors or claimants.

Digitized by Google

On these several classes, he would proceed to state his reasons for contending that further inquiry was necessary, and that a Select Committee ought to be appointed for that purpose. With regard to the first class, he was by no means disposed to deny that large amounts might have been justly paid to persons concerned in prizes, which ultimately had been ascertained to have been illegally made; even to non-commissioned captors they might have been prudently given, but he maintained that in this distribution no preference should be shewn, and where favour was apparent no specification of the various items was supplied to prove that it was proper or necessary. In the account laid before the House in 1810,* under the head, "Special Payments," would be noticed the enormous sum of 269,789*l.* paid to John Alcock, "to be by him paid over to the merchants, &c. trading to Spain, whose property had been sequestrated in 1796 and 1797." The amount of 54,921*l.* was likewise inserted as having been disbursed as, "Indemnification to sundry commanders on account of ships carried into cape Nicola Mole, and illegally condemned." Into the particulars of these two large items, surely some inquiry ought to be made, and it was a mere mockery to acknowledge the right of the House for that purpose, and to refuse the Select Committee the nomination of which he now proposed. It might be stated that the accounts had been audited at the Treasury, but would the House delegate its right of investigation to any but to its own members for that purpose by itself appointed, unless indeed, as in many other cases, particularly in that of the American claimants, boards were established, whose particular function it was to make the requisite investigation. He did not blame any individual administration, because, since the time of Mr. Pitt, these abuses had been continued under every government. There were other items in which they were not left so much in the dark, and which were of a very suspicious nature,—not that he meant to impute any censure against particular persons, or the governments under which these grants had been made. These items were of payments to persons for vessels captured and condemned, but afterwards restored; or for vessels not condemned, but taken out of the hands of the captors. Among instances of this sort were two grants of 20,521*l.* and 18,000*l.* to lord Keith, (a gallant nobleman who deserved the utmost praise, and who would not have done this had it not been the common practice) because he had detained an American vessel at the Cape of Good Hope, for which an action was brought against him, and he was cast with heavy damages and expensive costs. By such grants cause was given for the complaints against us for the violence of our cruisers (which were greatly unfounded) and for the want of redress in our law courts, which was utterly unfounded, as in them there was not the slightest difference made between an American and an Englishman. But it afforded ground for clamour, however unjust, to protect captors harmless whom the law had decided to have been in the wrong. To justify the government in this point alone a Select Committee was necessary. An hon. gentleman (Mr. Arbuthnot) when placed in a similar situation, had come down to that House, in all the eagerness of conscious innocence, and made a manly and explicit defence; accounting for the sums charged against his name, to the last shilling, and even courting the further probation of a committee. Nearly all the individuals, whose names were inserted in these documents, no doubt felt equally anxious to clear their characters from imputation, and not being able to do it in the House, they had a right to claim a full and fair scrutiny in a committee. Rear-admiral Lewis had been paid a large sum for detaining a neutral vessel, and would not America, and justly too without explanation, ask what security, if she continued at peace with us, she had that her neutral shipping should not be seized, if our officers were apparently rewarded for their capture?

The hon. and learned gentleman next noticed a case in which a partiality had been shewn, and that compensation refused to the party which had been granted to others under similar circumstances. This case, on which he dwelt at considerable length, was shortly this: the privateer Daphne, belonging to a Mr. Jacob, in 1799 or 1800, captured the French vessel Circe, worth 30,000*l.* which was condemned, and a claim to the contrary disregarded. The year and day for appeal having transpired, the condemnation became final, and 15,000*l.* was shared among the captors. Ten thousand pounds more lay ready to be distributed. At this

* See Vol. 17, Appendix, p. lxvi.

Digitized by Google

point of time an information was laid against them for having disregarded the 33d of the King, by which a muster of the crew of a privateer before sailing is enacted. On the letter of this law they were convicted; the 10,000*l.* stopped, and the 15,000*l.* recovered, all of which had become Droits of Admiralty. The mere ignorance of the law was not admitted as an excuse: and the result to Mr. Jacob was costs to the amount of 1,700*l.* and utter ruin. From having been in a respectable trade, he was thrown into gaol, and reduced to poverty. It might be right for the House to be informed on what sort of authority it was that the money paid on account of the capture by the Daphne had been recalled, and Mr. Jacobs and his family reduced to beggary. It was not at the suggestion of a common informer, or of a *qui tam* attorney, but on evidence procured by a reverend clergyman—the Rev. W. B. Daniels, who had been in confinement for debt, and reduced to the condition of the primitive Christians, after publishing a work on Field Sports, in which he, as well as many of his brethren, were known so peculiarly to excel (hear, hear!) He did not mean to cast any general reflection on the numerous respectable members of the church of England; but certain it was that Mr. Daniels formed no addition to their respectability, for after other trades had failed, he turned a broker in evidence, and procured two men, of the names of Thatcher and Guzman, one of whom had been convicted of perjury, and the other had been flogged at the cart's tail, to swear as much as was necessary to support his charge. For this signal service, the worthy and reverend gentleman had received from government no less than 5,077*l.* and the first of his witnesses 87*l.* 13*s.* 7*d.* as a "gratuity for evidence given." —The hon. and learned gentleman then contrasted the case of Mr. Jacob with that of sir Home Popham, who had been reimbursed. They had both, he said, embarked in illegal voyages, and both said without knowing that fact: fifty seven members of that House had disbelieved sir Home Popham on this point, and perhaps as many would doubt Mr. Jacob. Sir Home's vessel had been condemned, but on a report from the King's proctor, 21,610*l.* was restored to him, while Mr. Jacob, having no interest, was compelled to put up with the loss of his all. The latter had, indeed, smuggled a little tobacco on shore, as the former had four chests of tea, in which point they were both alike, only that Mr. Jacob was not on board at the time of the transaction, which sir Home Popham was. It would be endless for him to enter into all similar cases, which could not be discussed in the House, and were only fit for inquiry in the Committee he wished to be appointed.

Under the second branch of his subject, he should mention with regret the grant of 932*l.* to sir William Scott, "for services in deciding upon cases relative to American captures." He was firmly convinced that the wealth of the Indies could not induce that learned judge to condemn a single cock-boat contrary to justice; but the words in which the item was stated were peculiarly disgusting, and implied what there was not the slightest reason to believe. In the United States, however, they would not meet with so just an interpretation, where the natives were already strongly prejudiced against what they termed the unwarrantable and flagrant injustice of the British court of Admiralty. —Other articles, however, thrust themselves forward, that could not be so satisfactorily explained. On the 20th of September 1803, a grant of 2,250*l.* had been made to sir George Young, of one-third of the Dutch ship Frederick, taken at the Cape. The sum of 2,792*l.* had likewise been paid to the earl of Dunmore, on an account nearly similar; and on the 17th August, admiral Keppel received part of the proceeds of Spanish vessels captured at Martinique. To the first of these items particular attention was due, because at the time the prize at the Cape was made, sir George Young was serving in parliament as member for Heniton, filled a lucrative and honourable post, and upon failing in a subsequent election, was appointed governor at the Cape of Good Hope—so that the most vivid imagination might be defied to state an adequate reason for this grant. The earl of Dunmore could have as little to do with the capture for which he was remunerated: and indeed the general complexion of many of the items was so suspicious, as imperiously to demand further investigation as to their real character.

The hon. and learned gentleman now came to the third class, in which sums were given, and no account whatever annexed to them. Among these, he noticed a grant of 887*l.* in the year 1807, to captain Spencer, pursuant to his Majesty's warrant; 10,000*l.* and 1,900*l.* to William

Digitized by Google

Bourne, and others, as commissioners of Spanish and Portuguese property. He could not see why so much should be expended on this head, and thought it imperiously called for an explanation. He also noticed the payment of 219*l.* to a Turk, for losses at Constantinople, which he censured, as contrary to the principle on which the Danish sufferers, merchants of Hull, Glasgow, &c. were refused compensation for losses, to the amount of 250,000*l.* sustained at Copenhagen. There were funds enough to reimburse them, as 575,000*l.* was still in the hands of the Registrar; but he complained that they were rejected, while the claims of the Ottoman, under similar circumstances, had been attended to.

The fourth and last class related to those grants wholly unconnected with the sources whence the fund was derived. The largest of these were the grants to the younger branches of the royal family. Previously to the augmentation in 1806, of the allowances to the junior branches of the royal family, it appeared that in the course of one month no less a sum than 75,000*l.* had been granted to them out of the Droits, and subsequently, that no less a sum than 70,500*l.* had also been granted to them out of the same Droits. But it was a most extraordinary circumstance, that while the Bill for increasing their allowances was in progress through parliament, the sum of 6,000*l.* was granted out of the Droits of the Admiralty to the duke of Kent. A noble friend of his was minister at that period, and it was but justice due to him that this grant should be satisfactorily explained, which no doubt it could be. When the Bill alluded to was passed, the duke of York was not comprehended in its provisions, on the statement, that from his office as commander in chief, and from other emoluments, he derived an income of 26,000*l.* Yet, in 1808, when his Royal Highness still retained those offices, it appeared that he received out of the droits no less a sum than 20,000*l.* On the whole it appeared, that to the different branches of the royal family 184,000*l.* had been granted out of the Droits of the Admiralty; and he could not make this statement without lamenting that those illustrious individuals had not found it possible, in common with the other classes of the community (many of whom were oppressed with burdens almost intolerable,) to keep their expences within their incomes.

There was a grant of 7 or 800*l.* to captain Temple, to defray the expences of a prosecution for the murder of a seaman, of which alleged crime captain Temple had been acquitted; no doubt most satisfactorily. But if this was a proper grant, why not extend a similar grace to others who had equal claims? For instance, captain Tomlinson, a very gallant officer, who was tried for forgery at the Old Bailey, about 18 months ago. No sooner had the case been opened than Mr. Justice Le Blanc declared that he must be instantly acquitted, which he was, therefore, most honourably. Captain Tomlinson's character stood as high, after this service, as ever. He had since been promoted. But he had in vain endeavoured to obtain from this fund the expences, amounting to nearly 1,000*l.* which he had sustained in consequence of his prosecution. The cases of captain Temple and captain Tomlinson might possibly be quite dissimilar; but this ought to be shown before a committee of enquiry.

These were the various grounds on which he called upon the House to appoint a committee. He asked it on the part of the individuals who seemed to be placed in suspicious circumstances; he asked it on the part of the different administrations, who appeared to have lent themselves to the purposes of those individuals: he asked it on the part of the country, as the relations of Great Britain with foreign powers was implicated; and he asked it on the part of the constituents of that House, who were entitled to know the exact appropriation of the public money. The hon. and learned gentleman concluded by moving, "That a Select Committee be appointed to inquire into the application of the various sums received as Droits of the Crown and of Admiralty, and to report on the same to the House."

The *Chancellor of the Exchequer* was sure that the House would not think that the paper which had been produced on the motion of the hon. and learned gentleman, exhibited a sufficient appearance of abuse to warrant the appointment of the proposed committee. Most of the cases alluded to by the hon. and learned gentleman had nothing in them, and the hon. and learned gentleman's observations arose from the state of ignorance in which he candidly professed himself to be on the subject. But was it a just ground for a committee that an hon. member did not happen to know what he was talking about? He

Digitized by Google

would explain to the House briefly, and from recollection, the circumstances of some of these cases. The first was the sum of 269,789*l.* paid to Mr. Alcock for the merchants trading to Spain. Nothing could be more easily explicable. Various merchants trading to Spain had their property sequestered there. By the treaty of Amiens, the Spanish government consented to make good their claims. War, however, broke out before that could be done, a war originating in the capture of some Spanish frigates: and out of the proceeds of those identical frigates it had been thought just by government to satisfy the claimants. Another item to which the hon. and learned gentleman alluded, was the sum of 54,921*l.* paid to several commanders, for ships that had been captured and taken into Cape Nicola Mole. The facts were these: a court of prizes had been erected at Cape Nicola Mole, which was composed of captains of the navy, which considering itself legal, condemned certain prizes brought in there. On an appeal, however, to this country, the court was declared illegal and the sentences null. Of course no condemnation took place, and this grant was for the purpose of repairing to the captors the loss which they would otherwise have sustained. Was this an abuse of the fund?—The next case was that of lord Keith. Had the hon. and learned gentleman been at that period a member of the profession, he would have known that the detention of the American ship by lord Keith was a subject that involved as much legal disquisition as any that had ever occurred. Lord Keith thought he had a good right to detain the ship at the Cape of Good Hope. The captain being sullen at his detention, took no care of her, and she was totally lost. A suit was commenced against the underwriters, who were cast; they, in turn, obtained damages from lord Keith, and government very properly determining that lord Keith should not be ruined by this transaction, gave him the sum which appeared in the paper. With respect to the grant to the clergyman who had given information of the inadequate force of a privateer, it was well known that the law considered it a grave offence, punishable with a fine of 1,000*l.* and a year's imprisonment, for the captain of a privateer not to have a force equal to that for which he had contracted with government in his letters of marque. In this case the privateer was so circumstanced; not only, therefore, did the capture belong to the crown, but the captain was also in the state of a culprit. The person by whom the information was given, was assuredly entitled to the reward which had been assigned him. There was one point adverted to by the hon. and learned gentleman, the exact state of which he wished the House distinctly to understand. It was, the grant of 932*l.* to sir William Scott, for deciding certain causes. The hon. and learned gentleman had said, that this might go over to America, and that it might there be supposed, however unjustly, that this money was paid to sir William Scott, for the purpose of influencing him in his decisions. The fact was, that these were not decisions in the high court of Admiralty; but that they were decisions by reference of a vast variety of cases of American claims, so referred, for the purpose of saving the claimants trouble and expence. Sir William Scott was the British referree, and his hon. and learned friend near him the American referree; the latter had been paid by the Americans, the former by the grant which had called forth the hon. and learned gentleman's animadversions. With respect to the Portuguese commissioners, he was sure the House would feel from the peculiar circumstances of the case, that those expences could not be paid out of the property. As to the Danish claims, no doubt they were cases of considerable hardship, as all those must be in which individuals suffer by the wars in which their country is engaged. On investigation, however, it appeared that these claims were not of a nature which would justify the required satisfaction, and to show that government had no sinister view on the subject, every shilling of the droits accruing from the expedition to Copenhagen had been given to the captors.—He was sure that the House would not coincide with the hon. and learned gentleman in the view which he took of the grants that had been made out of the droits to the various branches of the royal family. This fund, being under his Majesty's controul, his Majesty had thought proper to apply it to relieve those branches from embarrassment when required. It was merely a case in which a parent exercised a disposition to assist a child out of a fund belonging to himself. If that did not appear justifiable to the hon. and learned gentleman, he would have quite as much ground to argue on the subject at present, as if an inquiry

Digitized by Google

were gone into upon it.—Next came the case of captain Temple. This circumstance occurred the year before he came into government; but he had no doubt that the grant was made to captain Temple, because the circumstance which occasioned the expence, grew out of the discharge of his duty. But did it follow that the claim of captain Tomlinson, or of any other officer, must necessarily be granted in the same way? The hon. and learned gentleman said, that at the opening of captain Tomlinson's trial, the judge declared that a verdict must be found of acquittal. This struck him differently from the mode in which it seemed to strike the hon. and learned gentleman. From all his experience in courts of justice, it appeared to him that captain Tomlinson must have been acquitted, not on the merits of the case but in consequence of some defect in the indictment. Let that, however, be as it might, if the alleged offence was not supposed to be committed in the discharge of his duty, captain Tomlinson's case was not at all analogous to that of captain Temple. He would not refer to sir H. Popham's case, because on that parliament had already pronounced a decision. But it was whimsical to hear the hon. and learned gentleman, who condemned the grant made to sir H. Popham, instance a case of claim, which he described as nearly similar in character, and then condemn government for not having attended to it! This was a kind of double-handed stroke which the hon. and learned gentleman had made: 'You have granted, you are wrong—You have not granted, still you are wrong.'—He had now gone through most of the cases touched upon by the hon. and learned gentleman, and shewn that the charge of a misapplication of the fund was wholly unfounded. If the hon. and learned gentleman wished for further information in the shape of papers, he had no objection to their production; but he was persuaded that the House would agree with him in thinking that no grounds had been laid for the appointment of a Committee. The House of Commons had abundant business without the multiplication of unnecessary committees, the increase of which in late years had already become a most serious evil.

Mr. *Brougham*, in explanation, distinctly disclaimed the slightest intention of imputing to sir William Scott the least impropriety of conduct; but he blamed the mode in which the item was described in the paper. With respect to the conduct of government towards sir Home Popham and the other individual whom he had mentioned, all he had said was, that as their cases were the same, it ought to be explained why their treatment was different.

The *Attorney General* stated the facts in the case of lord Keith in the same way as that in which they had been stated by the Chancellor of the Exchequer. He then proceeded to the best of his recollection, to detail those in the case of captain Tomlinson. Captain Tomlinson's vessel had been repaired at Dartmouth. The person by whom it had been repaired, a man of the name of Tanner, became a bankrupt, and by his books it appeared that his charges were much less than those made to the Admiralty. It was discovered that these last were forged. Two bills of indictment were in consequence found, the one against Tanner, the other against captain Tomlinson. On opening the prosecution against Tanner, it appeared that the forgery had not strictly been committed in the county in which in the indictment it was laid to be committed. The consequence was that the judge directed the acquittal of Tanner, and the indictment against captain Tomlinson being under the same circumstances, his prosecution was also abandoned.

Mr. *Herbert*, of Kerry, bore the highest testimony to the character of capt. Temple, than whom a more humane and honourable man did not exist. On his trial, there did not appear the slightest ground to suppose, that the man of whose murder he was accused, had died in consequence of the punishment inflicted upon him. A fever was the evident cause of his death, and the judge in this case directed the immediate acquittal of captain Temple.

Mr. *Croker* observed, that the hon. and learned gentleman declared that captain Tomlinson had been most honourably acquitted. Without giving any opinion on the merits of capt. Tomlinson, he must say that the hon. and learned gentleman's statement was altogether fallacious. Capt. Tomlinson had commanded one of his Majesty's ships, which it became necessary to repair at Dartmouth. The bill made for the repairs done was utterly false, being enormously higher than the expences actually incurred. This bill, it was alleged, that captain Tomlinson had countersigned, by which it was rendered payable at the Navy board. When pre-

Digitized by Google

sented by the shipwright, after the lapse of a considerable period, it was found to be either a forgery or a fraud. For this offence, the shipwright and captain Tomlinson were indicted in Middlesex, as having commited it in Middlesex. The shipwright was convicted: but on the opening of the trial of capt. Tomlinson, the judge observed that there might have been a collusion in Devonshire, but asked if there were any proof of a collusion on the part of capt. Tomlinson in Middlesex? When told that capt. Tomlinson had countersigned the bill in Devonshire, the judge directed his immediate acquittal. Whether if capt. Tomlinson had been tried in Devonshire he might or might not have been acquitted, he would not say; but unquestionably the hon. and learned gentleman had no right to call the result of the trial at the Old Bailey an honourable acquittal.

Mr. *Brougham*, in explanation, observed, that the statement of the hon. gentleman differed very much from that of his right hon. and learned friend. His right hon. and learned friend had said that there was no conviction whatever; the hon. gentleman asserted that there had been a conviction. He repeated that capt. Tomlinson was a very respectable officer, and had been promoted since the circumstance alluded to. In a private statement circulated by capt. Tomlinson, he declared that he had been acquitted because there was no evidence against him, and in nowise on account of any flaw in the indictment. He added, that the person by whom the vessel had been repaired, happening to have a sledge hammer in his hand, desired another person to sign for him; a practice very common with that individual.

Mr. *Croker* did not pledge himself to the fact of the conviction of Tanner; but with respect to capt. Tomlinson, he was unquestionably acquitted in consequence of the flaw in the indictment, and not upon the merits of the case. It was true that he had been promoted, and that the promotion had taken place after the occurrence alluded to, but before it was discovered.

Mr. *Brougham* wished to know whether capt. Tomlinson had not been lately appointed to a command of the Sea Fencibles?

Mr. *Croker* replied, that not only had no such appointment taken place, but that there had been no Sea Fencibles for the last two years.

Sir *R. Bickerton* stated, that at the trial, capt. Tomlinson's case was not entered into.

The Motion was then put and negatived.

Nottingham Peace Bill.] The report of this Bill was brought up. On the motion for recommitting it,

Mr. *J. Smith* took the opportunity of correcting a statement that had gone abroad respecting the mode of payment to the Nottingham manufacturers by their employers. It had been stated that he had said one of the causes of the disturbances arose from the masters paying their men not in money, but in goods. That practice was adopted not by the great body of the masters, but by the lower classes. In the statement going forth as it had done, unexplained, reflections were thrown upon the opulent part of the manufacturers, which he never intended.

The House then went into the Committee.

Mr. Secretary *Ryder* said, that since the Bill had been last before the House he had received several communications, which had made it advisable to extend the provisions of the Bill to the whole kingdom. The Bill had been, in consequence, new modelled in many parts, and in that state was submitted for discussion to the committee.

The several clauses went through the committee, and the House resumed.

HOUSE OF COMMONS.

Wednesday, February 26.

Captain Tomlinson.] Mr. *Croker* observed, that in the course of the debate last night, the case of captain Tomlinson had been alluded to, and at that time he was not prepared with the necessary information to exculpate this meritorious officer. It was stated, that he had not been honourably acquitted of the charge made against him; but by papers, for which he should take the liberty of now moving, the contrary would evidently appear to be the fact. He submitted the subject to the House in the first instance, thinking that not a moment should be lost, in removing an undeserved stigma from the character of captain Tomlinson. He therefore moved, "That there be laid before the House a Copy of a Letter from the Solicitor of the Navy, reporting the result of the trial of Benjamin Tanner and Nicholas Tomlinson, at the Old Bailey, on the 21st of July 1810."

Digitized by Google

Mr. *Abercromby* wished, that his hon. and learned friend (Mr. Brougham) who had made the statement complained of, had been present, that if it were necessary he might explain any thing objectionable in what he had urged, for he was sure there was no man to whom it would give greater pain to do injustice to the character of a gallant officer.

Mr. *Croker* would have waited until he should have seen the hon. and learned gentleman in his place, but the fact was, that the production of this document would rather strengthen than weaken the side of the argument which that hon. and learned gentleman had espoused.

The motion was then agreed to.

COMMITTEE APPOINTED RESPECTING SUITS IN CHANCERY.] Mr. *M. A. Taylor*, in pursuance of his notice, rose to move for the re-appointment of the committee of last year upon this subject. He explained, that his object was, that the Suitors in Chancery, as well as in the Appellant jurisdiction, should receive justice with as much facility as in any of our other courts. The inquiry would be first directed to ascertain what progress had been made since the last year; and secondly, to discover the causes of the great delay so universally complained of. He concluded by moving "That a Committee be appointed to enquire into the causes that retard the decision of Suits in the high court of Chancery;" which was agreed to by the House. He proposed that it should consist of the following members: Mr. Taylor, the Attorney General, Mr. Ponsonby, Mr. Whitbread, Mr. Wilberforce, Mr. Lockhart, Mr. Simeon, sir S. Romilly, Mr. Burton, the Solicitor General, Mr. Wilson, Mr. Edward Morris, Mr. Giles, Mr. Horner, Mr. Abercromby, Mr. Brougham, and sir J. Nichol.

When Mr. Simeon's name was read as a member of the proposed Committee,

Sir *S. Romilly* rose and objected to his being upon it. He said he thought that neither that gentleman nor Mr. Morris ought to be members of the committee. To them personally no objections could possibly be made; but the circumstance of their being Masters in Chancery made it, in his opinion, unfit that they should be appointed to enquire into the causes which retarded the decisions of Suits in that Court. The Master of the Rolls, who had been a member of the committee appointed in the last session, had desired that he might not be again placed in that situation, there being in his opinion, an impropriety in a judge of the court sitting upon a committee to inquire into that which might possibly implicate himself. The objection was a very just one in point of principle, though there was no person at all acquainted with the court, who did not know that whatever causes might be suggested as having produced these delays, any thing personal to the Master of the Rolls, could not possibly be found amongst them. The same objections applied with equal force to the Masters in Chancery. In his opinion, the Committee would ill discharge their duty, if amongst other objects of their enquiry, they did not endeavour to ascertain the cause of Suits remaining so many years depending in the Masters' Offices. He believed that the Masters were not at all to blame, and that they gave all the attendance in their offices that was necessary to do the business which was brought before them. He thought it probable that the defect was in the modes of proceeding which were adopted according to the perverse constitution of the court. This, however, was a matter to be ascertained, and, however improbable, it might possibly happen that in the course of the enquiry abuses in the Masters' offices might be stated. If that were the case, it would be extremely unpleasant and invidious for the Masters who were on the committee to be inquiring into abuses represented to be existing in the offices of their colleagues, and if any should, by chance, be said to exist in their own offices, it would be a very strange situation, that solicitors or other witnesses would be placed in, who would be called upon to give evidence before the committee, against the members of the committee, and a still stranger situation in which the Masters would be placed, whose duty it might be to report against themselves.

This suggestion was seconded by Mr. Abercromby, and resisted by the Chancellor of the Exchequer, Mr. Simeon, Mr. Wilson, and Mr. Taylor. The question being put, the two members noticed were allowed to form part of the Committee.

HOUSE OF LORDS.

Thursday, February 27.

FRAME WORK BILL.] The order of the

Digitized by Google

day for the second reading of this Bill being read,

The Earl of *Liverpool* observed, that as the present Bill contained some enactments of a novel nature, it was necessary he should state to the House some of those grounds upon which he thought that it ought to pass into a law. The transactions which had taken place, and were still going on in the county of Nottingham, were pretty well known to most of their lordships, and he rose to state that no exertions were wanting on the part of government to remedy the evil and ensure the return of tranquillity and order under the existing laws; and this he believed was the conviction of those most conversant on the subject, and who had opportunities of local information. It had at length, however, become necessary to recur to, and express the determination of parliament on the subject. The Bill in question was divided into two parts; which most undoubtedly in some respects proceeded on different grounds. The second part was introduced with a view to the detection of the offenders, which was the principal object. It went to compel individuals in whose houses frames should be broken, to give information thereof to the magistrates, and the provisions of this part of the Bill were calculated as much as possible to insure detection; and it was deemed necessary to render the offences provided against by the Bill capital. He was aware there existed more difference of opinion on this than on any other point: he knew it would be urged, that such an enactment would only tend to render detection more difficult, and the chance of conviction more uncertain. To this, however, he thought it could be rationally objected, that the terror of the law would in many cases operate, where the apprehension of lesser punishments would be found ineffectual. He, for his own part, could see no well-founded objection to try the effects of the measure which was proposed. The chief difficulty in the present case, he repeated, was the difficulty of detection under the existing applicable law; and he believed at the same time, that the operating dread of the severer punishment would, in the present case, be attended with beneficial effects. In addition to this, he observed, that the act was proposed but as a temporary one, and therefore the legislature would have a future opportunity of revising it, on a consideration of its effects. If it should prove ineffectual, they would have an opportunity of considering how far it would be wise or expedient to continue it. But considering all the circumstances of the case, he was firmly of opinion, that the measures proposed in the Bill were the most proper for the adoption of the legislature; and that the other House of Parliament were well grounded in sending it up for the concurrence of their lordships. He would therefore move, that this Bill be now read a second time.

Lord *Byron* rose, and (for the first time) addressed their lordships as follows:—

My Lords; the subject now submitted to your lordships for the first time, though new to the House, is by no means new to the country. I believe it had occupied the serious thoughts of all descriptions of persons, long before its introduction to the notice of that legislature, whose interference alone could be of real service. As a person in some degree connected with the suffering county, though a stranger not only to this House in general, but to almost every individual whose attention I presume to solicit, I must claim some portion of your lordships' indulgence, whilst I offer a few observations on a question in which I confess myself deeply interested.

To enter into any detail of the Riots would be superfluous: the House is already aware that every outrage short of actual bloodshed, has been perpetrated, and that the proprietors of the Frames obnoxious to the rioters, and all persons supposed to be connected with them, have been liable to insult and violence. During the short time I recently passed in Nottinghamshire, not twelve hours elapsed without some fresh act of violence; and on the day I left the county I was informed that forty frames had been broken the preceding evening, as usual, without resistance and without detection.

Such was then the state of that county, and such I have reason to believe it to be at this moment. But whilst these outrages must be admitted to exist to an alarming extent, it cannot be denied that they have arisen from circumstances of the most unparalleled distress: The perseverance of these miserable men in their proceedings, tends to prove that nothing but absolute want could have driven a large, and once honest and industrious, body of the people, into the commission of excesses so hazardous to themselves, their families, and the community. At the time to which I allude, the town and county were bur-

Digitized by Google

thened with large detachments of the military; the police was in motion, the magistrates assembled, yet all the movements civil and military had led to—nothing. Not a single instance had occurred of the apprehension of any real delinquent actually taken in the fact, against whom there existed legal evidence sufficient for conviction. But the police, however useless, were by no means idle: several notorious delinquents had been detected; men, liable to conviction, on the clearest evidence, of the capital crime of Poverty; men, who had been nefariously guilty of lawfully begetting several children, whom, thanks to the times! they were unable to maintain. Considerable injury has been done to the proprietors of the improved Frames. These machines were to them an advantage, inasmuch as they superseded the necessity of employing a number of workmen, who were left in consequence to starve. By the adoption of one species of Frame in particular, one man performed the work of many, and the superfluous labourers were thrown out of employment. Yet it is to be observed, that the work thus executed was inferior in quality; not marketable at home, and merely hurried over with a view to exportation. It was called in the cant of the trade, by the name of 'Spider work.' The rejected workmen in the blindness of their ignorance, instead of rejoicing at these improvements in arts so beneficial to mankind, conceived themselves to be sacrificed to improvements in mechanism. In the foolishness of their hearts they imagined, that the maintenance and well doing of the industrious poor, were objects of greater consequence than the enrichment of a few individuals by any improvement, in the implements of trade, which threw the workmen out of employment, and rendered the labourer unworthy of his hire. And it must be confessed that although the adoption of the enlarged machinery in that state of our commerce which the country once boasted, might have been beneficial to the master without being detrimental to the servant; yet, in the present situation of our manufactures, rotting in warehouses, without a prospect of exportation, with the demand for work and workmen equally diminished; Frames of this description, tend materially to aggravate the distress and discontent of the disappointed sufferers. But the real cause of these distressed and consequent disturbances lies deeper. When we are told that these men are leagued together not only for the destruction of their own comfort, but of their very means of subsistence, can we forget that it is the bitter policy, the destructive warfare of the last 18 years, which has destroyed their comfort, your comfort, all mens' comfort? That policy, which, originating with "great statesmen now no more," has survived the dead to become a curse on the living, unto the third and fourth generation! These men never destroyed their looms till they were become useless, worse than useless; till they were become actual impediments to their exertions in obtaining their daily bread. Can you, then, wonder that in times like these, when bankruptcy, convicted fraud, and imputed felony are found in a station not far beneath that of your lordships, the lowest, though once most useful portion of the people, should forget their duty in their distresses, and become only less guilty than one of their representatives? But while the exalted offender can find means to baffle the law, new capital punishments must be devised, new snares of death must be spread for the wretched mechanic who is famished into guilt. These men were willing to dig, but the spade was in other hands: they were not ashamed to beg, but there was none to relieve them: their own means of subsistence were cut off, all other employments pre-occupied, and their excesses, however to be deplored and condemned, can hardly be subject of surprize.

It has been stated that the persons in the temporary possession of Frames connive at their destruction; if this be proved upon enquiry, it were necessary that such material accessories to the crime, should be principals in the punishment. But I did hope, that any measure proposed by his Majesty's government, for your lordships' decision, would have had conciliation for its basis; or, if that were hopeless, that some previous enquiry, some deliberation would have been deemed requisite; not that we should have been called at once without examination, and without cause, to pass sentences by wholesale, and sign death-warrants blindfold. But, admitting that these men had no cause of complaint; that the grievances of them and their employers were alike groundless; that they deserved the worst; what inefficiency, what imbecility has been evinced in the method chosen to reduce them! Why were the military called out to be made a mockery of, if they were to be called out at all?

Digitized by Google

As far as the difference of seasons would permit, they have merely parodied the summer campaign of major Sturgeon; and, indeed, the whole proceedings, civil and military, seemed on the model of those of the Mayor and Corporation of Garratt.—Such marchings and counter marchings! from Nottingham to Bullwell, from Bullwell to Banford, from Banford to Mansfield! and when at length the detachments arrived at their destination, in all "the pride, pomp, and circumstance of glorious war," they came just in time to witness the mischief which had been done, and ascertain the escape of the perpetrators, to collect the "spolia opima" in the fragments of broken frames, and return to their quarters amidst the derision of old women, and the hootings of children. Now, though in a free country, it were to be wished, that our military should never be too formidable, at least to ourselves, I cannot see the policy of placing them in situations where they can only be made ridiculous. As the sword is the worst argument that can be used, so should it be the last. In this instance it has been the first; but providentially as yet only in the scabbard. The present measure will, indeed, pluck it from the sheath; yet had proper meetings been held in the earlier stages of these riots, had the grievances of these men and their masters (for they also had their grievances) been fairly weighed and justly examined, I do think that means might have been devised to restore these workmen to their avocations, and tranquillity to the county. At present the county suffers from the double infliction of an idle military and a starving population. In what state of apathy have we been plunged so long, that now for the first time the House has been officially apprised of these disturbances? All this has been transacting within 130 miles of London, and yet we, "good easy men, have deemed full sure our greatness was a ripening," and have sat down to enjoy our foreign triumphs in the midst of domestic calamity. But all the cities you have taken, all the armies which have retreated before your leaders are but paltry subjects of self congratulation, if your land divides against itself, and your dragoons and your executioners must be let loose against your fellow citizens.—You call these men a mob, desperate, dangerous, and ignorant; and seem to think that the only way to quiet the "Bellua multorum capitum" is to lop off a few of its superfluous heads.—But even a mob may be better reduced to reason by a mixture of conciliation and firmness, than by additional irritation and redoubled penalties. Are we aware of our obligations to a mob? It is the mob that labour in your fields and serve in your houses, that man your navy, and recruit your army, that have enabled you to defy all the world, and can also defy you when neglect and calamity have driven them to despair. You may call the people a mob, but do not forget, that a mob too often speaks the sentiments of the people. And here I must remark with what alacrity you are accustomed to fly to the succour of your distrest allies, leaving the distressed of your own country to the care of Providence or—the Parish. When the Portuguese suffered under the retreat of the French every arm was stretched out, every hand was opened, from the rich man's largess, to the widow's mite, all was bestowed to enable them to rebuild their villages and replenish their granaries. And at this moment, when thousands of misguided but most unfortunate fellow-countrymen are struggling with the extremes of hardships and hunger, as your charity began abroad it should end at home. A much less sum, a tithe of the bounty bestowed on Portugal, even if those men (which I cannot admit without enquiry) could not have been restored to their employments, would have rendered unnecessary the tender mercies of the bayonet and the gibbet. But doubtless our friends have too many foreign claims to admit a prospect of domestic relief; though never did such objects demand it. I have traversed the seat of war in the peninsula, I have been in some of the most oppressed provinces of Turkey, but never under the most despotic of infidel governments did I behold such squalid wretchedness as I have seen since my return in the very heart of a Christian country. And what are your remedies? After months of inaction, and months of action worse than inactivity, at length comes forth the grand specific, the never failing nostrum of all state physicians, from the days of Draco to the present time. After feeling the pulse and shaking the head over the patient, prescribing the usual course of warm water and bleeding, the warm water of your mawkish police, and the lancets of your military, these convulsions must terminate in death, the sure consummation of the prescriptions of all political Sangrados. Set-

Digitized by Google

ting aside the palpable injustice and the certain inefficiency of the Bill, are there not capital punishments sufficient in your statutes? Is there not blood enough upon your penal code, that more must be poured forth to ascend to Heaven and testify against you? How will you carry the Bill into effect? Can you commit a whole county to their own prisons? Will you erect a gibbet in every field and hang up men like scarecrows? or will you proceed (as you must to bring this measure into effect) by decimation? place the county under martial law? depopulate and lay waste all around you? and restore Sherwood forest as an acceptable gift to the crown, in its former condition of a royal chase and an asylum for outlaws? Are these the remedies for a starving and desperate populace? Will the famished wretch who has braved your bayonets, be appalled by your gibbets? When death is a relief, and the only relief it appears that you will afford him, will he be dragooned into tranquillity? Will that which could not be effected by your grenadiers, be accomplished by your executioners? If you proceed by the forms of law where is your evidence? Those who have refused to impeach their accomplices, when transportation only was the punishment, will hardly be tempted to witness against them when death is the penalty. With all due deference to the noble lords opposite, I think a little investigation, some previous enquiry would induce even them to change their purpose. That most favourite state measure, so marvellously efficacious in many and recent instances, temporizing, would not be without its advantages in this. When a proposal is made to emancipate or relieve, you hesitate, you deliberate for years, you temporise and tamper with the minds of men; but a death-bill must be passed off hand, without a thought of the consequences. Sure I am from what I have heard, and from what I have seen, that to pass the Bill under all the existing circumstances, without enquiry, without deliberation, would only be to add injustice to irritation, and barbarity to neglect. The framers of such a Bill must be content to inherit the honours of that Athenian lawgiver whose edicts were said to be written not in ink but in blood. But suppose it past; suppose one of these men, as I have seen them,—meagre with famine, sullen with despair, careless of a life which your lordships are perhaps about to value at something less than the price of a stocking-frame—suppose this man surrounded by the children for whom he is unable to procure bread at the hazard of his existence, about to be torn for ever from a family which he lately supported in peaceful industry, and which it is not his fault that he can no longer so support, suppose this man, and there are ten thousand such from whom you may select your victims, dragged into court, to be tried for this new offence, by this new law; still, there are two things wanting to convict and condemn him; and these are, in my opinion,—Twelve Butchers for a Jury, and a Jefferies for a Judge!

Lord *Holland* complimented his noble friend who spoke last on the ability which he had displayed in this his first speech in that House, and expressed his astonishment that ministers had not thought proper to reply to it. The rejection of a Bill brought forward under such circumstances, he admitted to be an evil; but then, the present one was so extremely objectionable, that he felt it his duty to oppose it. He was not much surprised at this measure, for he never was surprised at seeing any thing foolish coming from the present ministers; but the fact was, that the apprehension of such a law had already rendered the chances of detection less probable. This he had from the best authority. But he supposed, when he adverted to the general principle that the severity of the punishment increased the difficulty of detection and conviction, he should be told, that this was speculation and theory. They were for proceeding from day to day, without rudder or compass, as the winds and waves carried them. But what was the real state of this case? Here was a fact, that the apprehension of such a law had rendered detection more difficult; and yet, in the face of this fact, they proposed to pass the law, as if there had been no other mode of getting at the opinion of parliament. Indeed, such a law was but a very bad way of sending out a strong expression of the opinion of the legislature against this offence. Our penal code was too thick set with these penalties of death, to render that a very explicit declaration of the sense of parliament as to the enormity of the crime. The people would recollect, that the legislature had declared, that stealing to the value of 40*s.* from a canal, deserved death; and with this in their minds, they

Digitized by Google

could not easily be persuaded that parliament was deeply impressed with the magnitude of the offence merely because it punished it with death. He was far, however, from thinking lightly of this crime; for few crimes could be more ruinous to the power, wealth, and prosperity of any country; but it did not follow that the conclusion drawn by the noble Secretary of State was correct. The noble Secretary admitted that the general principle, that the severity of the punishment increased the difficulty of detection might in some cases be applicable, but here he thought the terror of death necessary to prevent the commission of the crime. Yet of all cases this was one in which this terror could have the least effect; since the offence was carried on by a combination of persons bound together by a mistaken principle of honour. But leaving the general principle, he came to the Bill itself; and observed, that the only difficulty was in the detection. If the offenders could be detected, the law was already severe enough. If the ground on which the Bill rested was stripped of the legal jargon in which acts of parliament were necessarily involved, and reduced to a plain logical proposition, the absurdity would be too glaring to be for a moment entertained. The amount of it was this: "Whereas it has been found difficult to detect these offenders, we will render that detection still more difficult." This law might irritate and exasperate; but it would do nothing more. So much as to the first part of the Bill; but even the second part, intended to facilitate detection, was not founded on wise principles. He should have thought a civil process much more desirable, by which the person having a frame belonging to another broken in his house, should be liable for damages to the owner, unless he proved that he had used every reasonable exertion to protect it. He agreed with his noble friend in disapproving the manner in which the military had been employed, and urged the propriety of an inquiry to open the eyes of the deluded multitude. Something might be done to break the combination, by offering rewards to persons making discoveries without dragging them to a court of justice to give evidence. If the punishment of death was improper for such an offence it was no excuse to say that the law was only temporary. Hanging our fellow-subjects was not a proper way of making experiments. It might appear, on enquiry, that the cause of this evil was the fluctuation of the market—the tampering with our trade, which was regulated only by the caprice of ministers. A change of policy would then be found to be the proper remedy. The present course was fraught with danger, and he must discharge his duty by opposing the second reading of the Bill without a previous enquiry. He concluded by moving, that the second reading be postponed till that day three weeks.

The *Lord Chancellor* observed, that the two parts of the Bill ought to be taken together, and the object of both united was the prevention of the offence. The outrages at Nottingham originated in a mistaken notion of those concerned in them, that their interests were injured by the introduction of certain improvements in machinery, when the fact was, that all these improvements contributed to their advantage, and that by the conduct they were now persisting in, they were deeply injuring their own interests, and destroying their own comforts. From, however, the plan and system adopted by them, the difficulty of detection had become very great, and the object of the second part of the Bill was to increase the means of detection, whilst the first part of it, by enacting the penalty of death, there was every reason to believe would operate, by the terror of that punishment, to prevent the offence. The prevention of offences was the legitimate object of enacting the punishment of death; and there was every reason to suppose that this object would be attained in the present instance, by combining the terror of this punishment with the increased facility of detection.

The Earl of *Lauderdale* agreed with the noble and learned lord, that the outrages at Nottingham originated in a mistaken notion of those concerned in them, of their own interests, for nothing could be more certain than that every improvement of machinery contributed to improve the condition of persons employed in the manufactures in which such improvements were made, there being in a very short time after such improvements were introduced, a greater demand for labour than there was before. Much, however, of the present distressed state of the manufacturers arose from the system of policy pursued by ministers; and he was satisfied, that before being called upon to pass a

Digitized by Google

measure like the present, an enquiry ought to be instituted, and that that enquiry ought to embrace the effect of the Orders in Council, the state of the commerce of the country, and also of its circulation. The noble earl, after ridiculing the vigour of the ministers in sending down two justices and two Bow street runners to Nottingham, adverted to the fact, that it had been found necessary, by the advice of the judges, and upon the reports of the revenue boards, to do away the capital punishments in cases of smuggling, because it was impossible to find juries to convict: and yet in a case depending on the same principle, they enacted the punishment of death, when it was notorious that the great evil was the difficulty of detection. The measure evinced an utter ignorance of the principles of law, and of the real state of the country.

The Earl of *Harrowby* contended, that enquiry could answer no useful purpose. If enquiry were to embrace the Orders in Council, the state of the commerce and circulation of the country, the investigation must be indefinite, the outrages at Nottingham must in the mean time go on, and all attempt to suppress them must be postponed *ad Græcas Calendas*. An inquiry more limited with respect to the outrages themselves, could have no good effect; the offence was, as was admitted by every one, most injurious to the interests of the community, and every means ought to be adopted to prevent its repetition. The object of the Bill was to increase the means of detection, whilst it inflicted the punishment of death; and surely it was to be expected that the terror of the punishment of death, when the means of detection were increased, would operate to prevent the commission of the offence.

Earl *Grosvenor* was hostile to extending the penal code by the infliction of the punishment of death for this offence, and contended that information ought first to be laid before the House, to prove that all other means had been ineffectual. Much of these outrages were, he thought, to be attributed to the system of policy pursued by ministers, and he lamented that the Prince Regent should have been advised not to make a change in his councils, convinced as the noble earl was, that the result of a change would have been an improved system of finance, an economical expenditure, and a general amelioration of the situation of the country.

Lord *Grenville* found it impossible to allow this question to pass, without expressing in the strongest terms which his powers of language could supply, his indignant detestation of the principles on which the Bill was founded, as well as of the arguments by which it was supported. There was now no time for inquiry, they said; but he hoped their lordships were familiar with the wise maxim of a great authority 'de vitâ hominis nulla est cunctatio longa.' When the question was about the life of man, he should have expected that ministers, and especially the noble and learned lord on the woolsack, would have willingly acceded to the delay, if there was the smallest doubt in the mind of any noble lord, whether it was necessary to add to the horrible and sanguinary catalogue of our capital punishments. It had been said, indeed, that no one doubted the fitness of the punishment to the crime. If that was true, he knew not to what purpose his noble friends about him had been speaking. These laws were, unfortunately, not the result of enlarged views, of general principles, but they sprung up one by one upon some momentary necessity; and a noble secretary had astonished him by stating, that there was no general principle to rest upon. But unless all that he had ever thought, all that he had ever heard, all that he had ever read upon the subject, was utterly erroneous, there was no case in which general principles were more necessary to be attended to, and more capable of application than in enacting penal laws, especially when capital punishments came under consideration. To these he trusted their lordships would attend, and not suffer themselves to be drawn aside by these temporary outrages. But if a delay of three weeks could not be allowed in a case where 10,000 of their fellow subjects might be rendered liable to the pains of death, why had there been a delay of two months? The enquiry might by this time have been complete. For six months during which these proceedings had been carried on, no one effectual step had been taken; and yet ministers had the confidence to come now and say, 'Do not ask for delay—trust to us—shut your own eyes and ears, and sign the bloody warrant here presented to you?' No, he would not trust ministers before he signed that warrant: he must be satisfied that the offence was commensurate with the pains to be applied. He had no hesitation in saying, that such a punishment ought never to be applied to such an of-

Digitized by Google

fence; and if their lordships had read one page of that excellent writer Judge Blackstone, they must be aware that he had distinctly said, that the mere frequency of an offence and difficulty of detection was not a ground for a capital punishment. His noble friend had stated, that there were laws in our statute book enacting death in similar cases. He knew it, and deeply regretted it, and wished they could be at once erased from the statute book, if it were for nothing else than to prevent their being resorted to as examples, when the indolence, the ignorance, or the weakness of government led them to enact such laws as this. Here, again, the enlightened Blackstone lent his great authority, for he said that these laws originated in the ignorance of the legislature and the weakness of government. He should have thought inquiry necessary as to this point. It had been assumed that the existing law was ineffectual; but before ministers assumed that fact, they ought to prove that every thing had been done to carry it into execution. On that head there was no information whatever, except the boasted exploit of having sent down two Westminster justices and two Bow-street runners; who, though very conversant in the business of detecting thieves and footpads, were not therefore the most proper to deal with the Nottingham manufacturers. That was their vigour! But something else had been done worse even than that foolish expedient. There never was a maxim of greater wisdom than that uttered by the noble lord (Byron), who had so ably addressed their lordships that night for the first time, that the military ought never to be employed except in extreme cases, and then they should be effectual, if possible, rather by the terror of their appearance, than their power of execution. But here they had been employed in a way the most ruinous to their own discipline, and the least efficient for the purpose of checking these outrages. They had been dispersed in small bodies, and made to perform the duties of civil officers. He might be mistaken as to the force of the law as it stood, but why then not inquire? The truth was, that it had been 20 years on the statute book, and never put in execution in one instance. How could ministers say that a law was inefficient which had never been tried? and yet they were not ashamed to come down, and propose to resort to this last dreadful extremity. No; the fault was not in the weakness of the punishment of the present law, but in the want of execution. Let their lordships compare the punishment of transportation for 14 years with the crime of breaking a stocking-frame. Was not the punishment commensurate to the crime? Aye, more than commensurate. His lordship then read some passages from the Bill, from which it appeared, that the intent to commit the crime of breaking a lace-thread, or damaging a web, rendered the offender liable to the pains of death. To this there could be only one answer,—that the punishment would never be inflicted. But as long as he lived, in a country governed by law, he never would consent to put it in the power of the crown to put a fellow subject to death for damaging a piece of cotton or lace.

The *Lord Chancellor* was about to put the question, when

Earl *Grey* observed, that it was of importance to know what the object of noble lords on the other side was in proposing this Bill. Was it to inflict the penalty of death for the offence stated by his noble friend, as it appeared by the words of the Bill?

The Earl of *Liverpool* stated, that the wording of the Bill was a matter for discussion in the committee, but the Bill was framed from other bills of a similar nature with reference to machinery.

Lord *Holland* observed, that it was of importance to know the intent of ministers in proposing a clause in the Bill, inflicting the penalty of death upon the intent to commit the offence described by his noble friend.

The Earl of *Lauderdale* thought that the House ought not to go on in the consideration of the Bill, until they had some information of what the precise object of ministers was in proposing this Bill; and with that view he moved that the debate be adjourned till Monday.

The Earl of *Liverpool* stated, that the principle of the Bill was to punish a certain offence with death; the mode of carrying that principle into effect, was matter for discussion in the committee.

Earl *Grey* observed, that allowing the principle of the Bill to be to punish a certain offence with death, the nature of that offence was a part of the principle of the Bill, and before they could vote for the second reading, they ought to be informed what offence it was intended to punish.

The Earl of *Liverpool* stated, that undoubtedly it was the intention of govern-

Digitized by Google

ment to inflict the punishment of death instead of transportation, and the clauses describing the offence were copied from the Bill, which rendered it a transportable offence.

Lord *Grenville* said, that what had been stated by the noble lord, was indeed a still stronger reason for adjourning the debate till Monday. Here was a minister, who came down to parliament to inflict the punishment of death upon his fellow-citizens, but for what offence that minister knew not. It was in truth for the credit of ministers themselves that this debate should be adjourned, in order that they might be enabled to explain what offence they intended to punish with death. But whatever they might think, he could not give his vote that the House should be involved in the infamy of going to the second reading of a Bill for inflicting the punishment of death upon their fellow-citizens, without knowing what the nature of the offence was that it was intended to punish.

The House divided on the question that the debate be adjourned till Monday. Contents 17: Not-Contents 32. Majority 15. The Bill was then read a second time, and committed for Monday. On the motion of the earl of Lauderdale, their lordships were ordered to be summoned for Monday. The noble earl also moved, that the Judges be ordered to attend on Monday, which was negatived.

HOUSE OF COMMONS.

Thursday, February 27.

PETITION FROM HULL RESPECTING COMMERCIAL LICENCES.] Mr. Staniforth presented a Petition from several merchants, ship-owners, and other inhabitants of the town of Kingston-upon-Hull, setting forth,

"That the petitioners, being deeply impressed with a sense of the magnitude and extent of the evils arising from the present system of granting licences to foreign vessels to trade between this country and ports from which the British flag is excluded, beg leave to approach the House with a statement of their opinion on a subject, as it appears to the petitioners, of the very last importance to the commercial interests of the united kingdom; and that the House is well aware, that the port of Hull has long been most intimately concerned in the Baltic trade, to that trade, indeed, may principally be ascribed its prosperity and mercantile importance; but, within these few years, the hostile attitude of the northern powers has been followed by a corresponding pressure upon it; the intercourse with the north of Europe has however at no time been wholly discontinued, notwithstanding the exclusion of the British flag from its ports; and it is to the manner in which this intercourse has been, and continues to be carried on, that the petitioners now humbly and earnestly pray the attention of the House; and that the papers and documents on the table of the House will shew that licences are granted by the Board of Trade to foreign vessels, authorizing them to carry on commerce between this country and ports which do not admit its flag; encouragement is thus held out to the ship-builders of the continent, by affording them the chance of sale for their ships to those British subjects who avail themselves of the protection of licences, although in such cases, there is the advantage of the employment of British capital; yet it is manifestly obtained at the expence of our own ship-builders and sailors, whose place is supplied by a race of aliens; and that a very large proportion, however, of the ships themselves is really the property of foreigners, who receive an enormous sum for freight, not less than three times the amount of what would be paid for similar voyages in a time of unrestricted commerce; this the petitioners would point out as a ruinous drain on the resources of the country, and as contributing, in a most important degree, to the present unfavourable course of exchange, and the deranged state of the currency; it is also a lamentable fact, that numbers of British licences have been publicly sold on the continent, and that, by means of those licences, and even under the protection of British convoys, our enemies have been supplied, to a great extent, with naval stores, conveyed directly into their own harbours from different ports of the Baltic; and that, in the whole of the extensive trade carried on under the protection of British licences, foreign sailors are necessarily and exclusively employed; and the petitioners do not know that any language of theirs can speak more forcibly than the statement of this simple fact; it is in direct violation of those principles of navigation, an adherence to which has been a great cause of our prosperity, a safeguard of our independence, and with which the commerce of this country must

Digitized by Google

rise and fall, thousands of men, the subjects of hostile states, are trained up at our expence, enriched with our wealth, inured in our employ to the toils of a seafaring life, and made acquainted with every creek and headland of our coasts: that the petitioners have been eye-witnesses of the rapid and astonishing improvement in the appearance and skill of these men during the last few years, and they cannot but be deeply sensible of the immense advantages thereby accruing to the already gigantic power of France, especially in the event of an attack upon our shores, which, the petitioners conceive, the present system tends most materially to encourage and accelerate; and that the losses arising from capture, from extra insurance, and from fraud on the part of the foreign captains employed, are severely felt; but there is another point of view, contemplated in which, the subject presents itself in awful and alarming colours, and forces itself upon their serious consideration; and that the petitioners regard the honour and the good faith which have hitherto been conspicuous in the character of British merchants, as dearer to them than any advantage which the commerce of the world can offer as a compensation for them; and that the system of licences, by rendering it necessary for the ships to be provided with sets of forged, or, as they are termed, simulated papers, has a direct tendency to subvert this honourable character, is therefore, in the judgment of the petitioners, a most weighty argument against it, and cannot be too strongly inculcated on the minds of our countrymen; the young men on whom in future will devolve the management of the commercial transactions of this kingdom, are thus familiarized with a course of systematic falshood, and accustomed daily to witness acts of forgery and perjury, which are destructive not merely of mercantile probity, but of that general feeling of moral rectitude, which is the best bulwark of a state, and for her pre-eminence in which our country has hitherto been so highly and so justly distinguished; and that the petitioners are firmly convinced that the preservation of this moral principle is necessary to the prosperity of these dominions, at the same time that they are not insensible to the effects of the present interruption to free intercourse with foreign countries; they trust therefore that the House will give them credit for their sincerity, when they state that they would rather submit to still greater privations than consent to pursue the system now acted upon, and of which they have, on the above grounds, ventured to express their unqualified abhorrence; and that, if a blockade of hostile ports, especially those of the Baltic, be deemed, as the petitioners judge it to be, advisable, they would humbly recommend that it be full and complete, and not rendered ineffectual by licences or evasions of any kind whatsoever; and they are persuaded that, both in a commercial and a financial point of view, this country is more able than its enemies to bear the pressure in such a case unavoidable; and that, had it been sooner adopted, we should ere this have come to an amicable arrangement with the Northern states of Europe; and that the petitioners will not dwell on the encouragement which a change of the present system would hold out to our North American colonies, which are capable of supplying us with many of the articles hitherto procured from the Baltic, but they will conclude by begging leave to refer, for the proof of their assertions, to the official papers laid before the House, which will shew more accurately than it is in their power to do, the extent of the commerce carried on under licences, and the number of ships and sailors employed therein; and that they feel the subject in question to be of momentous importance to the nation at large, as well as one in which their peculiar interests are more particularly involved; and praying the House to take into its most serious consideration the system of granting licences to foreign vessels, and to apply such remedy as in their wisdom may appear to be best suited to the exigencies of the case."

Ordered to lie upon the table.

PROCEEDINGS RELATING TO THE EXPULSION OF MR. BENJAMIN WALSH.] Mr. *Banks* moved that the order of the day be read for the attendance in his place of Mr. Benjamin Walsh.

Mr. *Abercromby* wished to ask the hon. gentleman whether it was his intention to proceed on the subject that evening? If so, he begged to submit to his consideration that the papers which constituted the greater part of the case, were but that moment delivering to the members, and that there was still another piece of evidence to be produced, namely, the Letter from

Digitized by Google

Mr. Walsh to his brother, charging himself with the guilt of the recent transaction. There was another circumstance which he hoped would induce the hon. gentleman not to press the consideration of the subject at that moment, and that was, that there were several hon. members who to his knowledge were desirous of expressing their sentiments upon it, but who were absent from the House under the idea that as on Thursdays motions preceded orders, the motion of an hon. baronet would in the first instance have been gone into.

Mr. *Bankes* replied, that he came fully prepared to bring under the consideration of the House the question of Mr. Walsh's conduct; and that unless very grave and substantial reasons indeed were adduced, he was persuaded that this was one of the matters which the House could feel no disposition to postpone. Although the printed copies of the papers had, as the hon. gentleman had said, been delivered but that day, that appeared to him of little consequence. There was only one line in those papers on which he should rest the motion, that he felt it his duty to submit to the House, and that was, that Mr. Walsh had been found guilty of the felony laid in his indictment. With respect to Mr. Walsh's letter to his brother, it would be produced at the bar of the House by Mr. Jenkyns the solicitor, and would be read distinctly and audibly by the clerk at the table. This in his opinion, would afford the House an ample opportunity of judging of its tendency. The thing would speak for itself in the most unequivocal terms; and the latter would exhibit a complete avowal of a guilty mind and a guilty act. If, after having heard this letter, the House should think further delay necessary, however unwillingly, he must bow to their opinion. There was one argument of the hon. gentleman's, which he could by no means allow. He could not admit that under such circumstances the absence of any hon. members afforded a just ground for postponing the consideration of the subject. The hour was by no means unusually early; and it ought to be known to every member of parliament, that matters of privilege took precedence of all other questions. He put it to the House whether or not they wished that the business should proceed? (A general cry of, Go on, go on!)

Mr. *Lamb* thought that there could not be a more grave and solemn reason assigned for delay, than that hon. members were not in full possession of the evidence on the subject. The question was one of a novel nature, and would therefore establish a precedent. It was not therefore consistent with a due regard to the privileges of the House to proceed so suddenly and hastily in the determination of it.

Mr. *C. W. Wynn* said, there could be but one opinion as to the gravity, weight, and solemnity of this question, on which it was not possible for him to anticipate what would be the judgment of the House. He had looked a good deal into the case, and possessed himself as much as he could of its nature and bearings, and he must say, that when gentlemen who had not yet entered upon its consideration, came to bestow upon it their attention, they would find that it was one of great magnitude and difficulty. He could not, therefore, help thinking, that it would be advantageous to allow further time for the obtainment of full and complete information. It was a very short time since the papers before the House were produced, and as had been justly remarked, the most important document relating to the case had not yet been brought up. On these grounds he wished to submit to the hon. gentleman and to the House, the propriety of hearing the Letter from Mr. Walsh to his brother read, and then, after they had had an opportunity of considering all the documents together, as well as the precedents on their Journals, which bore upon the present case, they might come to a more fit and legitimate decision than if they proceeded to judgment on the crude materials of which they were now in possession. For these reasons he was anxious that the desire expressed by his hon. friends for delay, should be acceded to.

Mr. *Bathurst* said, he had already become sufficiently acquainted with the case, to be enabled to decide on what he thought the just and proper course for the House to pursue. The documents produced afforded a good ground on which they might proceed to judgment. But as there might be gentlemen who had not turned their attention to the subject with so much diligence as the hon. gentlemen who preceded him, and as the papers had been so lately put into their hands, he could see no reason for pressing on the discussion, if any member thought a small delay would enable him to come to a more mature determination. They had, in his

Digitized by Google

opinion, enough before them to act upon; but he would not therefore desire that those who might consider themselves as unprepared to decide, should be prematurely hurried to their vote. But conceding this much, he must, at the same time, observe, that he perfectly coincided with his hon. friend (Mr. Bankes) that on so grave and serious a question, deeply and materially affecting the character and privileges of the House, it would be highly censurable to allow any unnecessary time to be lost before they came to a decision.

The order of the day having been read,

Mr. *Bankes* observing that he was the last man who would wish to be too hasty in pressing such a question, expressed his intention of postponing the decision of it until Monday.

The *Speaker* apprehended, that as the business was not then to be concluded, it would be necessary to make a fresh order for the attendance of Mr. Walsh in his place on Monday. In the first place, however, it would be expedient to ascertain whether Mr. Walsh had been served with the order of the House, requiring his attendance in his place on this day.

One of the messengers was called to the bar.

The *Speaker*. Mr. Skelton, have you served Mr. Benjamin Walsh, a member of this House, with the order of the House, requiring his attendance in his place on this day.

Messenger. Yes, Sir, I have. I saw Mr. Walsh yesterday morning at ten o'clock, and he told me he had received from his brother the order which I left at his house on Tuesday night.

The messenger having withdrawn, Mr. Jenkyns, the solicitor, was, on the motion of Mr. Bankes, called to the bar.

The *Speaker*. Mr. Jenkyns, you were the solicitor to the prosecution against Mr. Benjamin Walsh, a member of this House?

Mr. *Jenkyns*. Yes, Sir.

The *Speaker*. Have you brought with you the letter mentioned in the order of this House, purporting to be a letter from Mr. Benjamin Walsh to his brother?

Mr. *Jenkyns*. I have.

The *Speaker*. Are you acquainted with the hand-writing of Mr. Walsh?

Mr. *Jenkyns*. No; I am not.

The *Speaker*. Is there any body with you who is acquainted with it?

Mr. *Jenkyns*. Yes; Mr. Atride.

Mr. Atride appeared at the bar.

The *Speaker*. Mr. Atride, are you acquainted with the hand-writing of Mr. Benjamin Walsh?

Mr. *Atride*. Yes.

The *Speaker*. Have you ever seen him write?

Mr. *Atride*. I have.

The *Speaker*. Look at that letter, and inform the House, whether it is the hand-writing of Mr. Benjamin Walsh?

Mr. *Atride*. I believe it is.

The *Speaker*. Do you entertain any doubt on the subject? Look at the whole of the letter.

Mr. *Atride*. I have no doubt that this is Mr. Walsh's hand-writing.

The *Speaker*. Have you ever seen that letter before?

Mr. *Atride*. Never.

The *Speaker*. Mr. Jenkyns, were you at the trial of Mr. Walsh?

Mr. *Jenkyns*. Yes.

The *Speaker*. By whom was that letter delivered into the court?

Mr. *Jenkyns*. By the Solicitor General.

The *Speaker*. In whose custody has it been ever since?

Mr. *Jenkyns*. In mine, Sir.

The *Speaker*. Is that the identical letter delivered into court by the Solicitor General on the trial of Mr. Walsh, and kept by you ever since?

Mr. *Jenkyns*. It is.

The Witnesses were then ordered to withdraw. The letter dated Dec. 5, 1811, was read by the clerk. [See it at p. 940.]

Mr. *Bankes* moved that it be printed.

Mr. *Lockhart* wished to know whether to agree to the printing of this paper would be to entertain the charge brought forward against Mr. Walsh? If so, it would be a grave subject for the consideration of the House, and he requested, therefore, to be favoured with the opinion of the Chair.

The *Speaker* apprehended that the letter was part of the proof against the hon. member. What decision the House would come to on the charge, it would be for them to determine, when they came to consider the evidence of which this letter was a part.

Mr. *Lockhart*, understanding that the letter was to be received as evidence of the charge, objected most strongly to its reception, because it was only evidence of a most dishonourable and infamous transaction between one individual and another. He hoped the hon. gentleman did not mean to adduce it in support of the record of Mr. Walsh's conviction. That could not be done, for the contents of the record

Digitized by Google

must be its only support. If it were intended to rely on the letter in the event of the record not being considered sufficient to warrant the House in acquiescing in the ultimate proposition of the hon. gentleman, then he trusted the House would appoint a committee to search for precedents, in order to discover whether any such charge as that which could be founded on the letter had ever been entertained by parliament; and whether parliament had ever proceeded to expel a member on the knowledge of a transaction, however infamous, between one individual and another. He had made diligent inquiry on the subject, and he could find only one case in the year 1670, in which sir Edward Thomas having complained of frauds and abuses on the part of his son towards himself, the House did entertain the charge: but they afterwards threw it out as not being on sufficient grounds, and decided that only those charges could be entertained which were founded on transactions infamous in a public point of view. All such transactions resolved themselves into four classes. The first, cases of persons who were found infamous by the records of their convictions in criminal courts of law; secondly, cases of persons who had been in open rebellion; thirdly, cases of persons guilty of corrupt and improper practices, as members of that House; and, fourthly, cases of persons guilty of offences against the public. Never, however, was a charge entertained founded on a dishonest transaction between man and man. To entertain such charges would be to make the House of Commons a great court of judicature, authorised to examine every private transaction that was alleged to be improper: and the ultimate purposes to which such a power might be applied no one could foresee; that it would be productive of enormous inconvenience was evident, and he therefore pressed for the appointment of a committee, before a precedent was established calculated to be so injurious in its consequences.

The *Chancellor of the Exchequer* confessed himself unable to distinguish the letter from the other documents on the subject, or to understand why the ordering of the letter to be printed was more completely to entertain the charge than the ordering of the printing of the other documents. The hon. gentleman seemed to have misconceived what fell from the chair. The charge was not at present before the House in a shape to be entertained, nor would it be so until there was a motion on the subject. He apprehended that the hon. mover of the proposition had moved for the record of conviction, the judge's letter, &c. and had moved that those documents be printed—that he had examined the witnesses at the bar—that he had obtained from one of them, Mr. Walsh's letter to his brother, and that he now moved that that letter be printed—all for the purpose of taking those preliminary steps which would enable the House to judge whether or not the charge ought to be entertained. The printing of the letter could by no means prejudge the question of entertaining the charge. He had no difficulty in admitting that the question was one of very grave consideration, and that the House must well weigh how far they could with safety and propriety adopt the charge without establishing a precedent which might be found productive of serious inconvenience.

Mr. *Wynn* observed, that by what had been already done, the letter must appear on the Journals, and must be transmitted to posterity, as having been received and read in the House, just as completely as if it were ordered to be printed. The objection might with more propriety have been made to the motion on Tuesday for its production.

The Letter was then ordered to be printed.

The *Speaker* said, that this was the proper time to acquaint the House, that he had received two letters from Mr. Walsh, intimating his intention of not appearing in his place, but not ascribing that intention to any bodily incapacity. As he could not find in the Journals any precedent of a written defence having been received from members, who, having been ordered to attend, failed to do so without attributing his non-attendance to bodily incapacity, he would not read those letters, unless it were the pleasure of the House that he should do so.

On the motion of Mr. Bankes, Mr. Benjamin Walsh was ordered to attend in his place on Monday.

SIR THOMAS TURTON'S MOTION ON THE STATE OF THE NATION.] *Sir Thomas Turton* began by observing, that when he considered the importance and magnitude of the question to which he was about to call the attention of the House; when he considered the present critical state of public affairs, and the alarming aspect

Digitized by Google

under which they now presented themselves to the contemplation of the country; and when he, at the same time, considered that the present question had hitherto been introduced to their discussion by some leading member of either of the great contending parties, and that the humble individual who was on that night to bring it before them was wholly unsupported by the aid of any party or the authority of any influence;—when all these considerations crowded on his mind, he confessed that he was but too justly apprehensive of appearing to have acted with a hasty indiscretion and a presumptuous confidence. But the time was now come, when public duty should be discharged, independent of every personal consideration. If he brought with him the aid of no party, neither did he bring with him the motives or prejudices of party. It was not his intention to weary the indulgence of the House, by any very detailed examination into those topics which had been already so amply discussed, or again to tread over the ground long trod before. He should, in the course of his observations, touch upon the war in the peninsula—and here, he observed, that the true merits of this extensive question had never been yet fairly and fully before the House; and, indeed, if he were to confine all he had to offer to that one subject, he thought he should find, even in that alone, ample matter to persuade the House to grant the motion with which he should conclude. But he should not confine himself to that part of the subject: he should take a short review of the leading public events since the right hon. gentleman came into office. He should endeavour to shew the House what appeared to him to be the awfully alarming state of the country; and, what in his mind was not the least alarming symptom, the lethargy of that House for so long a time, and while such events were passing. He should call upon them, in the name of their country, to rouse from their torpor, and ask every unprejudiced man if, seeing the condition to which they were at last reduced, he could conscientiously lay his hand upon his heart, and say there was not sufficient ground for going into the committee. His view should be directed a little further back than the time at which the present ministers entered on office.

The year 1806 had terminated most disastrously for the liberties of Europe. He should not stop to say any thing upon the ineffectual struggles of Russia against France, or upon the selfish and dastardly policy which at that time dictated the perfidious conduct of the court of Prussia. In the following year the battles of Eylau and Friedland—the last of which was fought, he believed, after the right hon. gentleman had come into power—those battles might be said to have decided the fate of the continent, and to have fulfilled the prediction of Sully, that France would one day arrive at the universal dominion of Europe. The peace of Tilsit left France no enemy to contend against but England—all her means were immediately directed against our commerce, and the Berlin and Milan Decrees had about as much effect against England as ours taken in retaliation had against France. The first expedition sent out by the new administration was that of Copenhagen. All the applause he could give ministers, they should have from him most willingly—he regretted that their conduct had rendered the portion he could spare them so very inconsiderable; but of the Copenhagen expedition he had originally approved, and his opinion remained unaltered. If the merits of that expedition were to be considered according to the naked abstract principle merely, nothing could be more atrocious or more profligate: but where was the maxim, however generally true, that must not give way to necessity, and in that case he thought the necessity justified the expedition.—The hon. baronet next adverted to the breaking out of the war in the peninsula. A right hon. gentleman, whose fervour on all great public questions was so well known—he meant the member for Ilchester (Mr. Sheridan), had come down, and in his place in that House had with his accustomed eloquence called the immediate attention of ministers to the critical state of Spain. There was in short but one heart, but one mind, but one feeling within that House and throughout the country, as to the necessity of giving Spain the most speedy, cordial, and effectual assistance. Ministers might be said to have been almost invited by parliament to ask for their aid. In such a state the first duty of ministers was to have so arranged with Spain, as that the assistance of this country might be given and applied in the best and most efficient manner; but there was no such plan resorted to—no method, no regulations or arrangements were thought to be previously necessary. Ministers did nothing

Digitized by Google

in co-operation with the Spanish government, to collect all the feelings of the Spanish people into one energetic effort, or to give that effort one great and uniform impulse. Nothing had been done to give tone to the Spanish government—they were left to themselves—and the first act was the publication of their "Precautions," calling upon the people to fight as mere partizans, never to hazard a general action, and to think of nothing more than hanging on and harrassing the enemy—and this was the government that shortly after called for an army of 550,000 men, of which 50,000 should be cavalry. He blamed not ministers for the errors of the Spanish government; but he thought that they were responsible to the country for not providing, as far as they could do, against the possibility of those errors defeating our co-operation, or rendering our assistance altogether nugatory.

To show, in some measure, what had been the effect of our assistance in Spain, he would just call the attention of the House to the two first campaigns. Sir Arthur Wellesley sailed on the 28th of July, 1808. He was sent to assist the Spaniards, and he landed at Corunna; where, however, he afterwards re-imbarked, and sailed for Mondego, at which place he effected a landing. On the 17th of August the affair took place which was followed up by the battle of Vimiera on the 21st. Sir Arthur Wellesley was the next day superseded in the chief command by sir Harry Burrard, who was himself, shortly after, again superseded by sir Hugh Dalrymple. Such fluctuation was there in his Majesty's councils as to the selection of a fit person for this command! He should not dwell upon the disgraceful Convention of Cintra, which, amongst other mortifying conditions, stipulated to place general Junot at the head of 25,000 men, in that identical spot whence he could most speedily march to that part of Spain, where he could act against Spain and her allies most seasonably and effectually! From the 30th of August till the 16th of October, when sir John Moore was sent out, no one step had been taken by ministers, though there was not, for the same length of time, a period since the commencement of the war in which so much might have been effected.—He then adverted to the campaign of sir John Moore, who, he contended, had received no sort of co-operation from the Spaniards. He had reached Salamanca before he met with a single Spanish piquet. He thought the conduct of ministers, in risking the safety of the British army, without any knowledge of the intentions of the Spaniards, extremely reprehensible.—He then passed to the battle of Talavera; and, giving lord Wellington every credit for his skill and conduct in other particulars, he could not help censuring his march to Talavera, as a most imprudent one, when, even after a repulse of the enemy, however glorious, he was obliged to make a precipitate retreat, to the desertion of the sick and wounded in the hospital.—The remaining campaigns had, in every respect, the character of the two that preceded them:—hard-fought battles terminating in the repulse of the enemy—brilliant, perhaps, but certainly very unproductive.—He came now to that memorable Expedition, of which it would hardly be necessary to remind the noble lord opposite (Castlereagh.) It surely never could be out of his recollection. He was astonished to see the noble lord smile at any allusion to the dreadful tragedy of the Walcheren Expedition (hear, hear!); though, indeed, that noble lord might well smile to think that he had himself escaped the ruin to which he had devoted so many thousands (hear, hear!). The avowed object of that expedition was to create a diversion in favour of Austria: and how had that object been answered? The battles of Essling and Asperne had been fought on the 21st and 26th of May; and on the 28th of July, three weeks after the battle of Wagram, that laid Austria at the foot of France, sailed the Walcheren Expedition, to co-operate at Flushing with the ruins of the Austrian army in Bohemia! (hear, hear!)—But he should not dwell on the melancholy catastrophe—11,000 brave men left, for three months, to rot in the most pestilential climate in Europe, and then the whole object of the expedition totally abandoned! Though, indeed, they had been gravely told, by a right hon. gentleman (Mr. Yorke,) that the expedition had in part succeeded in its object, because, forsooth, we had destroyed a basin! And here he could not help observing upon the strange conduct of a right hon. gentleman then in his Majesty's councils (Mr. Canning,) in not openly declaring his real sentiments of the noble lord's utter incompetency for the situation he then filled: such a declaration must have compelled the noble lord to retire, or at least have saved the country the dis-

Digitized by Google

grace and losses attendant on that Expedition. But what above all had been the conduct of that House? Had they brought the noble lord to trial by impeachment? Had they impeached the right hon. gentleman for continuing to act with one whom he believed utterly incompetent? Had they condemned the Expedition and impeached the authors of it? No; so far from it, they had passed a vote of approbation upon that Expedition—(hear, hear! from Mr. Perceval and others!)—and was not this a ground for inquiry?—He knew that the right hon. gentleman, the minister of the country, thought himself invulnerable, and regarded the attacks of such humble men as himself as mere flea-bites.—But what would the country say, what would posterity say of such a vote? what would future historians say of it? Upon the noble lord's quitting office,—the only good effect of that Expedition,—the rage for expeditions somewhat subsided; but now that he saw the noble lord sitting where he did, he could not divest himself of all apprehension that more expeditions, as honourable and as advantageous to the country as that to Walcheren, might probably be tried.

With regard to the means afforded by Spain, and their proportion to the end they had in view, or whether any co-operation it could afford to this country, would be sufficient to bring the struggle in which it was engaged to a favourable termination, that was a question which he should much like to hear discussed, and one, upon the result of which he thought the future efforts of this country should depend. What, he would ask, was the situation of Spain at present? He might be told that the Spanish government was changed, but he found it had undergone no material alteration. Badajoz, Gerona, Tortosa, Valencia, and almost every place of strength in the country, was in the hands of the French, and nothing more than one or two fortresses in the hands of the Spaniards themselves. The armies of Spain were not improved;—her government had not improved. This situation of affairs afforded no great probability of success; and to subject the country to such enormous expenditure, without a prospect of terminating the struggle to the advantage of Great Britain and her allies, was not certainly the part of wisdom. He would not consent to go on incurring such vast expences, unless there was some hope afforded of bringing the business to a speedy termination; but he was sorry to say, that no such hope could be entertained. The conduct of their government was not such as could secure the attachment or confidence of the people. The people, when a fit opportunity was presented for removing some of the grievances under which they had long laboured, so far from deriving any advantage from the change of affairs that had taken place, were at this present moment without the enjoyment of religious liberty; and when the liberty of the press was moved for, the Cortes referred it to the consideration of the Inquisition. It was well known that two priests were made the censors of all publications that appeared in the country. Would any man say that those were the measures which could ensure the reverence, or the zeal of the people for the struggle in which they were employed? That government had imperiously required of us in our mediation between them and their South American dependencies, to abandon the latter if they did not acknowledge the Cortes. That government had expressed its approbation of general Lapena's conduct, though he did not give the least assistance in the battle of Barossa, but remained during the whole time in an adjoining wood. The government of that country should now be addressed in the same bold and decided language which the marquis Wellesley had upon a former occasion used to them; they should be told that a reform was necessary both in the civil and military departments of the country, and that upon no other condition were they worthy of a zealous adherence to their cause. He, for his part, would not consent to any further assistance to that country unless he saw some prospect of success. It should be proved, that our resources were not likely to be thrown away in a fruitless struggle,—if such proof could be adduced,—if even lord Wellington himself would say, that there was a probability of success sufficient to warrant the continuance of expenditure in favour of Spain, even upon such ground as the recommendation of that gallant general, he would be content to make further sacrifices, in the hope of an event that would be glorious alike to that country and this; but, without such assurance of probability, the annual expenditure of 11 or 12,000,000*l.* for a war that might, for ought they knew, last as long as the Peloponnesian, was a thing which he could not consent to, and which

Digitized by Google

the country could not bear. Sicily also had been a source of great expence to the country, (300,000*l.* a year as a subsidy, and a million and a half a year to support an army there,) and some advantage should be proved to result from this mode of applying it. He believed some important changes had lately taken place in that island, and no change could render its situation much worse than it had been. —From Sicily he would pass to the East Indies. The question of the renewal of the company's charter was likely soon to be considered, and it was a subject of much importance; this was not the time for discussing it; but there was another no less important, which was the vast addition which had lately been made to the territorial possessions of the company. That acquisition had, in his mind, been exceedingly injurious to the finance of Great Britain. He had predicted long ago that such would be the result of it, but his predictions were not then attended to. It appeared, that the army by which those conquests were made, had been of late exceedingly discontented, and great evils were to be apprehended if such discontent were allowed long to prevail. But there was an important circumstance respecting that country which he could not but advert to. It appeared that the government of it had lately interfered with the administration of the criminal jurisprudence, and punished jurors for the conscientious discharge of their duty. This he could prove to be a fact, and that the judge advocate there was the person who had so interfered. [A cry of No! from some gentleman on the opposite side.] He insisted that his assertion was well founded; and he could prove it to be so. He would however now proceed to America. The contest with America had been nothing hitherto but a war of words. The rule of 1756, if it were intended to adhere to it, should never have been relaxed. If that rule was to be upheld, it should have been nailed to the mast of every British ship, and never, in any shape, given up; but it was relaxed with respect to America by the order of the 7th of January. The Americans were then satisfied.—(Hear! from the opposite benches.)—They were satisfied with the explanation, but not with the order by any means. This relaxation lasted from the 7th of January to the 11th of November. The right hon. gentleman opposite had then declared, that whole coasts might be placed in a state of blockade, even without sufficient ships for carrying such resolution into effect; and a precedent was brought from the conduct of this country and Holland against Louis 14. He did not approve of that order which obliged the Americans first to come to this country, and after the payment of a certain duty, to depart with their cargoes for the continent. We had no right to insist upon neutrals first touching at our ports. Circumstances were in this posture in 1810. They found Buonaparté not induced by the measures of this country to relax his decrees. The government of this country should then have consulted the interests of the country; and when the Americans announced that Buonaparté had rescinded his decrees, they should have gladly seized the opportunity, and withdrawn the Orders in Council. On the contrary, the government said, they saw no *bona fide* repeal of the Berlin and Milan decrees. It was nonsense to talk of *bona fides* on the part of Buonaparté; but if any opportunity had offered for recovering the commerce of the country, it should not have been lost. He had before avoided mentioning this subject, through an apprehension that it might injure any proceedings for an adjustment that were on foot. No such effect could now follow, for the papers on this subject were before the world, and he wondered how the production of them could have been refused on a former night. The minister had thought proper to refuse a committee for inquiring into the state of Ireland. When the simple subject with respect to that country was, whether Ireland should be our friend or our foe,—whether the empire was to derive that assistance from all her energies which Ireland was so well able to afford, and without which England could not continue to exist, sure he was that no more important matter could be brought before the wisdom of parliament. Even if Catholic emancipation were not to be granted, was that all that the Irish nation wanted? Removing that entirely out of sight, was nothing to be done for the commerce of Ireland? Were no schools to be established for the education of her children? Could nothing be done with respect to her tithe system? Were there not, in fact, a thousand points in which the interests of Ireland could be considered without reference at all to Catholic emancipation. He was sorry, that the government had not met the question of Ireland,

Digitized by Google

when it was last before the House, with more temper than they evinced. If 500 men chose to assemble in a room and even to conduct themselves intemperately, was that to be used as an argument for denying the constitutional claims of five millions? He would proceed to take a view of the internal situation of the country. Our army, it appeared from the returns amounted, including local militia, to 807,000 men. Now what population had we to support such an immense military establishment, and to carry on the agriculture of the country? Our male population was calculated at 6 millions, and taking that of Ireland at 2 millions, a total was formed of 8 millions; so that our army of every description constituted one in ten of our whole male population. He would be told that this was a war of an unusual character, and that it had become necessary for us in a great measure to make ourselves a military nation. He regretted that it was so; and he was sorry to observe that while we were decking our warriors with laurels, we had also too frequent occasion to plant their graves with cypress. He begged to press it on the consideration of the House that this was a war which could be supported only by economy and by husbanding our resources. An armament so much above the adequacy of our population, he contended this country could not continue to afford. Again as to the expences of the war, the estimates for the present year, so far as they could be calculated, might amount to 31 millions, or about 7 millions sterling more than last year. This was an expenditure which he hardly need say the country could not bear for any length of time. What then was the state of our revenue? Our funded and unfunded debt amounted to 650 and odd millions. It had increased 114 millions in the course of the present war. With whatever spirit therefore the war might be carried on, unless we husbanded our resources in time we should not have the means of prosecuting it to a conclusion, but might be compelled eventually to stop short at the very moment when victory was in our grasp. It might be said that the war was unavoidable. What however was the situation in which we stood, and what were our means of carrying it on? The surplus of the consolidated fund was 2,800,000*l.* less this than the last year; and our taxes were less productive this year by 2 millions. Instead of this deficiency becoming less in future, there was every reason to believe that it would go on increasing year after year. It had been in a manner admitted that it was not possible to find any new taxes to impose by which this deficiency might at all be compensated. If therefore we could not find an income to meet our expenditure, nothing remained for us but to bring our expenditure to meet our income. The customs too had suffered a decrease of 890,000*l.* during the present year, and an increase in this defalcation must be expected in each succeeding year as long as the present system continued. The necessity therefore of at least enquiring into our situation could not but be apparent. He knew it would be said that nobody was with him, that the country was against him, and did not wish that the cause of Spain should be abandoned. Neither would he wish it if he saw any likelihood of rendering the Spanish cause effectual service. Might we not try what could be done by peace? In the speeches from the throne we heard not a word of peace; but ought not the House to enquire if something might not be effected by a pacific spirit? It was true he had heard the right hon. gentleman opposite declare that he had no personal objection to treat with Buonaparté. He hoped not, but then why was so much said about his *mala fides?* If a country ought never to make peace with bad monarchs, why did our ancestors make peace with Louis 14th, at the time he was oppressing this very country of Spain, and the Palatinate? Why on the same principle, had the continental powers made peace with this country during the usurpation of Cromwell? Might they not have taunted him with having murdered his royal master, and with being a canting hypocrite? If they had done so, would England have tolerated such language? And why then should we use such taunting expression at present, the only effect of which must be to excite useless irritation? At no period of our history would peace with any of the Bourbons have been at all more to be relied on in point of continuance, than would peace with Buonaparté at the present moment. Then why not meet him in the spirit of peace? He might perhaps be told that Buonaparté would not give up Joseph? How could our government know this if they did not try; and was not the object worth trying for? He was anxious not to compromise in the smallest degree the honour and integrity

Digitized by Google

of the country; but still he could not agree that the present system should be persevered in, without an endeavour to see what could be done towards procuring peace.

He now came, he said, to a part of the subject to which he felt himself much more warmly, more anxiously alive. His thoughts imperceptibly drew him to America; and he could not help asking, "why not try what conciliation will do there?" The two countries were formed for friendship with each other,—habits and manners nearly assimilating, and mutual interest loudly calling out to run into each others arms:—it seemed to him there was nothing to keep them asunder, but a false pride. If this country chose to conciliate America by repealing the Orders in Council, an opening would once more be given to our commerce and manufactures. This was a measure peculiarly required for the preservation and the prosperity of the country. Alas! if we talked of the prosperity of the country at the present moment, where was it to be found? In a high minded aristocracy? No; our nobility were content to hide their heads in retirement or seek refuge at a watering place, instead of keeping open house, and shewing the ancient English hospitality. Was it to be found among our capitalists? Not in the great commercial capitalist, for he was obliged to lie on his ears. Not in the small capitalist, for though true it was, that his thirst for speculation to new colonies had swelled the columns of the export and import list, yet that thirst had also contributed to swell the columns of the gazette. Was it then to be found in the manufacturing classes?—Certainly not! for sad experience had shewn to what distresses they were reduced, living on riot, and organizing their proceedings in a manner the most astonishing. Was it to be found in the trade by licences, so hurtful in itself, and so disgracefully abused? Or, lastly, was it to be found in the total disappearance of the legal current coin of the realm? An evil which had grown to such a height, that we might expect, if the system were persevered in, to see our circulating medium more debased even than that iron money which had caused such complaints in Sweden. He declared that he had no intention to exaggerate in his statements. In his figures he knew he was correct; in his sentiments he had at least the merit of sincerity: and was this system, pursued so long, still to be persevered in? Rumour said it was,—so far at least as Spain was concerned, and that the right hon. gentleman was still to conduct it. For that right hon. gentleman he had a great personal respect, but the system he was pursuing was a bad one. Every beneficial measure proposed by that right hon. gentleman should have his support, but when he conceived a measure to be injurious, he must do his duty by opposing it. On the present occasion, if the right hon. gentleman fulfilled his duty to the country, he would agree that the House should go into a committee to consider of the unprecedented situation in which the nation was placed. If the right hon. gentleman resisted this proposition, then the House ought to address the Prince Regent, to inform his Royal Highness that he was wrong in surrendering his own judgment to those who counselled him to persevere in the present system;—that œconomy was absolutely necessary for the preservation of the country;—that reform in every department was loudly required;—and that a continuance of the existing order of things would overturn the constitution, and with it the throne, which his Royal Highness was called upon to fill. It would be the duty of the House to state these things to his Royal Highness, in respectful yet in firm and bold terms. For himself he should not have discharged his duty if he had not, though an humble individual, ventured on the task which he had now executed. If we did not agree to take a review of our situation, the result must be ruin. To avoid this was the object of his motion. He begged forgiveness of the House for having trespassed so long on their indulgence; but he was conscious that in what he had said he had been actuated by a sense of duty, and by the purest motives. He concluded by moving "That this House will resolve itself into a Committee of the whole House, to take into consideration the State of the Nation."

Mr. Tighe rose to second the motion. He said, that he would not touch on all the topics which had been elucidated by his hon friend, but content himself with an humbler flight. He would not follow his hon friend into every region of the world through which he had wandered, to the delight and instruction of those who had the good fortune to hear his oration; but would confine himself to themes of more interest, though perhaps less susceptible

Digitized by Google

of being adorned by eloquence. He would confine himself to home. He wished to awaken the first lord of the Treasury from the golden dreams which visited his pillow, and to admonish him that if ever there was a time when it was incumbent on us to look with a stedfast eye on our resources, it was the present. All that the right hon. gentleman seemed to think the House had to do was to furnish him with the ways and means for the supplies he wanted. If the gentlemen who sat in that House were indeed the representatives of the people, they should duly inquire whether the people were really able to afford those sums of which they were drained by votes of that House, without the least attention to œconomy. One of the principal duties of the representatives of the people was to ascertain what were the resources of the country, and give information thereof to ministers. Through such a channel alone could ministers obtain proper information on that subject—from the creatures by whom they were surrounded they could not obtain it; they were interested in the continuance of a war, and the more interested the more expensive it was, and the more ruinous to the country. The first head of the fatal system we were pursuing which he would notice, was the war. He recollected to have read in the papers, at the commencement of the war, that France would soon become bankrupt; that it was a war of finance we were waging, and that in a short time the enemy could not afford to have a single vessel on the face of the ocean. What were we now told by the minister? Why, that France was possessed of one hundred sail of the line, and that nothing but the want of seamen prevented the French from coming over to this country. Now we knew but too well that the outrage at Copenhagen had recruited the French navy, and that with the most hardy and the boldest sailors in Europe. The conscription in Holland had added considerably to its strength, and we were now about to give a still further augmentation in the whole power of the American navy; at least, if we did not, it would not be the fault of the minister. The probable state of the French navy, in a very short period of time, would be indeed formidable, and the state of the French land forces was actually such. Buonaparté had two large armies ready for offensive operations. Unincumbered with debt, and unimpaired in resources, he could direct the whole of his military force to any single object he might wish to accomplish; and who could doubt that the object nearest his heart was the destruction of this country? And what was the situation of this country that was to meet such hostility? It appeared that there was a deficiency in the consolidated fund to the amount, as stated by ministers, of 2,800,000*l.* but in reality of 3 millions and a half. Great as that defect was, was there any likelihood that we should not find it in a short time much greater,—that the fund would not decrease in something more than an arithmetical ratio? Could it be considered without dismay that by the Orders in Council our trade with America was completely put down, a trade which enabled us to export to the amount of more than 12 millions of our most profitable manufactures, while our returns also were made in the most profitable manner, partly in raw materials, and partly by bills of exchange; obtained by the re-exportation of our manufactures to the continent of Europe. It was chiefly owing to the loss of this valuable trade, that the price of bullion had risen to an extent, such as had created an alarm that had not yet subsided, nor was it reasonable to expect it would soon subside. The want of bullion was likely to be severely felt, for we certainly could not pay with paper for the quantity of corn we should have to import, to feed our starving manufacturers. Here was a subject not to be contemplated but with dismay. An insurrection was raging in the heart of the country, and this was not the less alarming because the insurgents acted on a mistaken notion. If they thought machinery prejudicial to their interests, and proceeded to its destruction, and thus to the destruction of the manufactures, the sources of our national wealth would be dried up—for those sources were to be found in the labour of our population, spite of the ingenious doctrines of the French economists, towards which ministers were now beginning to turn so favourable an eye. And what had been done to remedy the evil? The business had been wholly neglected for six weeks after the parliament had met, and then no remedy could be devised but the bungling one of making the offence capital. Now it was well known that conviction was much more difficult when the offence was capital; so that there was

Digitized by Google

some progress made rather towards the exasperation than the cure of the evil; and, really, experience was here along with theory, for, while the Bill was passing into a law, the spirit of insurrection had extended itself, and tidings had been received that much havoc had been made in the machinery of the woollen manufacture. But was it any wonder that people should be driven to desperation, and in their frenzy destroy the very funds to which they might look for the support of such existence as they might yet enjoy? He wished gentlemen to consider seriously the facts that had transpired with respect to the population of Liverpool. A committee had been appointed to inquire into the state of the poor in that town, and the result of their inquiries was, that there had been in one month, namely January, 1812, an increase of from 8,000 to 15,350. Now, if throughout the whole kingdom, there was a corresponding increase, and if the best, indeed the only remedy which had been devised were a halter, for this kind of engine for appeasing hunger there promised, unfortunately, to be ample employment; and he was of opinion, that ministers could not be too expeditious in proposing bounties for the growth of hemp; and if the right hon. gentleman were to make a tour for the purpose of visiting our great manufacturing towns, however ornamental his present escort might be, he was sure that on such an occasion it would be very appropriately changed for a gibbet.—There was another topic on which he could not touch without the deepest regret that so great a scandal should exist. He was much grieved to see the name of the sovereign of the country thrust into the public papers, and made the "common show and gaze o' the time." He alluded to the Letter which the Prince Regent had been made to address to the lords Grenville and Grey. There was no act which the sovereign could do for which, by the constitution of this country, some adviser or another was not responsible; and could the practical effects of this safeguard, which the constitution had provided for the subject, be any where more desirable than where the sovereign had been, as it were, trepanned by advice of the most insidious and treacherous nature? Why, the Prince had been made a sort of go-between to parties, a mediator between factions, a thing quite unheard of heretofore. Many overtures for a coalition had been made from one party to another—the reign of his present Majesty had been rather fertile in such events, but no one had ever presumed to make his Majesty a go-between on those occasions. But it was natural to anticipate bad advice on this point, from a consideration of the advice which had been given on two occasions before. The first advice which his Royal Highness had received, was to issue a proclamation against the Catholics of Ireland—against a people who had ever evinced the most duteous and strenuous affection towards his Royal Highness. The next unfortunate measure to which he had been counselled, was to select, as a reward for an individual of his household, an office which lay under a parliamentary interdict—an office, for the salary of which parliament had now refused a supply; and this, as though it were the wish of these sage and modest counsellors to insult the people whom they oppressed; for it must be obvious that there was, in the ample storehouse of official dignity and emolument at their command, means sufficient to remunerate any services without having recourse to that, the appointment to which had been so properly marked with the stigma of public disapprobation. If his Royal Highness continued to receive advice of so pernicious a nature, it was difficult to say where the evils would stop which it would bring upon himself and upon the country. There had been a former offer made to the lords Grey and Grenville by the right hon. gentleman, without the intervention of a go-between—this was rejected. These noble lords could not be brought to approve the conduct of ministers, and he could not conceive how any man or set of men could bring themselves to renew an offer which had been treated with so much contempt. This sort of importunity in private life would be considered an insult, and he did not see any reason why it should be tolerated in public life. The right hon. gentleman and his colleagues perhaps thought that lords Grenville and Grey were capable of a dereliction of principle, judging, if the supposition were not uncharitable, from the monitor in their own bosoms; but if they could have accepted the offer which was made them, there must have been not only a lack of principle, in those noble lords, but a lack of sense. But possibly the right hon. gentleman thought that the brilliant success by which the enterprizes planned and attempted under his auspices had been attended, had

Digitized by Google

so dazzled the noble lords, that they would without hesitation forego their principles, and give up their friends for the honour of engaging under his banners in parliamentary warfare. He confessed, however, that he could not discover any thing in the conduct of ministers, since the former offer, which could induce these noble lords to fall in love with them. The expedition to Walcheren could not—to Walcheren, where our army had been left to rot and perish, while the port of Flushing was full of transports. The evacuation of the island had been determined on, because ministers could not determine among themselves, who was to be appointed to the office from which the necessary directions were to issue. Every one of the 11,000 men who had perished there, had in his opinion been as much murdered as if he had been thrown into the sea. As to the conduct pursued with respect to America, he would now abstain from saying any thing, inasmuch as the season for discussing that topic was said not to be arrived; but still there was no reason to presume that the termination of the pending negociations would exhibit a depth of wisdom sufficient to captivate the noble lords, and make them anxious to enter into a political connexion with the right hon. gentleman. Ministers could not be said to be entitled to much praise for the capture of Java, or that of Ciudad Rodrigo; the former of these, in particular, had been reduced by measures planned by lord Minto, before any instructions for the expedition had been received from this country. As to Sicily, any thing useful that had been done in that country might be fairly attributed to a noble lord, who had recently quitted office (marquis Wellesley) and, as he had occasion to mention that noble lord, he would say, that as he had quitted office because he would not pledge himself to resist the Catholic claims, it followed, as a corollary, that the individual by whom he was replaced, must have so pledged himself; and this was a circumstance, of which he hoped for an explanation in the course of the debate. But while so much had been done for Sicily, he could not forbear expressing a hope, that the state of Malta, in which a severe system of oppression was carried on without controul, would receive the attention of parliament.—The next place, from their conduct towards the inhabitants of which, he presumed the gentlemen opposite could scarcely expect to derive credit in the minds of the noble lords, was Ireland. Here they had recently issued a proclamation, the most unconstitutional that had ever been issued since the House of Hanover had been placed upon the throne. The general use of a proclamation was to direct the execution of the law, but this went to extend the law; and, if the principle were admitted, a proclamation might as well be issued to suspend the law, a measure for the having recourse to which James the second lost his crown. The Catholic Committee had commenced their sitting on the 2nd of July, and on the 30th the proclamation was issued, and for this delay it would be difficult to assign any proper motive. The sitting continued for a month, during which time the instrument slept quietly under Dr. Duigenan's cushion. He could not let the name of this respectable personage pass without a remark on his conduct. When elevated to the dignity of a privy counsellor he had promised to be silent in the cabinet on all that regarded the Catholic cause; but when an indictment was to be preferred against the whole body, he could not by any possible exertion keep himself quiet. Till the issuing of the proclamation, the discontents of the Catholics had slumbered in their ashes; it was indeed a slumber easily broken. He trusted that the table would groan with Petitions from the English Catholics in support of the Roman Catholics. When a right hon. gentleman (Mr. W. Pole) on a former evening, introduced the name of major Bryan to the House, he ought at the same time to have stated who he was. He ought to have stated, that major Bryan was a gentleman of considerable influence, great merit, and distinguished loyalty, who, having entered the army, had risen to the rank of a captain. He wanted to purchase a majority in the service, but had been forbidden to do so. In consequence of this, he had found himself obliged to quit the regiment in which he had served, and that too at a time when he could not help seeing many foreign Catholics in higher situations than any to which he had aspired. If that officer had continued in the army, he might probably now have ranked very high in the profession. He did not wish at present to go into the discussion of the Catholic question (he thought it would be better deferred till after the Catholic petition had been presented) he wished them to look

Digitized by Google

at the present state of this country, at its commerce, manufactures, and revenues. The situation to which these were reduced, however, it should seem, was not sufficient for the ambition of the present ministry, and they were now about to array in arms against us another quarter of the globe, and this too at an æra when we were engaged in an unprofitable war, when we could entertain little hope of ultimately gaining that for which we had been fighting, and when there was no probability of the contest being brought to a conclusion, but through our impotence to continue it. If at such a crisis ministers refused to go into a committee on the State of the Nation, it could not but be said that they had brought the country into such a situation that they wished to be blind to it, that they were at once afraid of looking on the evil, and incapable of supplying a remedy.

Mr. *Robinson* said, he did not think the topics which had been touched upon in support of the motion, were such as rendered it necessary for him to enter into any long discussion of their merits. It was not, therefore, his intention to follow the hon. baronet in his progress round the world, nor the hon. member who had seconded him, in that course which he had pursued, and which he had commenced his speech by stating it was his intention cautiously to avoid. He could not agree, however, that the mode which was proposed on this occasion was an expedient form of proceeding, nor did the views which he took on the subject lead him to an opinion, that any proceeding of this kind was at all advisable. He regarded the motion of the hon. baronet, indeed, as one which would place the House in a situation of all others the most embarrassing. He knew, indeed, that similar motions had been often before made, and he knew too, that they had seldom or never been acceded to. He believed that such motions had been generally rejected on grounds that appeared to his mind quite satisfactory. It would at least be a more intelligible proposition if, instead of this extended inquiry, involving amidst an infinite variety of questions, many not only of the most important and interesting but of the most delicate nature, some specific proposition upon a distinct subject had been submitted, and the House required to take it into consideration. Such an inquiry as the House was now called upon to enter into, embraced not only questions which had been the subject of past, but many that were to form the subject of future discussions. Among these was the state of Ireland, and the considerations connected with that country, which he did not see the possibility of taking out of the reach and view of a committee so appointed.—A motion had lately been made by an hon. member, he had no doubt with the best intentions, for the production of papers relative to the differences with America, and these papers had been refused. Was the House, then, to be persuaded to do that which it so lately thought it improper to do? It was not inconsistent, he admitted, in those hon. members who supported that motion, to wish for an enquiry that would necessarily involve the former, but it certainly was a just consideration to press upon the House which had pronounced it inexpedient.—There was another point of infinite magnitude, and of near relation to the last, which could not, any more than the other questions, be excluded from the attention of a committee sitting in review of the whole foreign and domestic situation, and interests of the country; namely, the Orders in Council. An hon. and learned gentleman (Mr. Brougham) whom he did not then see in his place, of great talents and extensive information, had given notice of bringing this subject before the House, and was it therefore incumbent on the House to anticipate that discussion which would naturally take place in its proper time? As to the general aspect of affairs, he really could not bring himself to view them in the same gloomy light as the hon. mover and seconder of the proposition before the House. He was far from having any wish to disguise the difficulties of the country, and far from any disposition to shut his eyes to its dangers. It was his desire to look them in the face, not indeed by a confession of weakness, but by an exertion of strength. It was, he believed he might assume, pretty generally admitted, that the war in which we were engaged was one into which we had been forced (hear, hear! from the Opposition benches). He imagined he understood the meaning of that cry. But he was justified, he conceived, in at least saying, that the country at large was satisfied of the necessity of the war at the period of its commencement, as well as at the subsequent period for the negociation for peace. The only

Digitized by Google

thing that remained to be considered, was how best to carry on the war. Was it by adopting an offensive or defensive system of warfare, that the country enjoyed the surer prospect of succeeding in its objects? It appeared to him that the former was the more advisable policy; and it had been well characterised, in contrast to the opposite system, by one of the ablest writers on our military relations and resources, as a war of hope against a war of fear. If they looked back into the history of our wars, abundant evidence might be found of the superiority of the former policy over the latter. Let the House look to the wars in which this country was engaged during the reign of queen Anne, and ask themselves whether, if the chilling counsels of the hon. baronet had been acted upon—if it had been held impracticable at once to maintain an army on the Danube and another on the Ebro, the objects of that war would have been accomplished in the manner in which they had been? At least, if they had not been fully accomplished, their failure was to be attributed to an unfortunate change of policy. In the Seven Years war, as it was generally called, when the king of Prussia was threatened by a coalition of the most formidable nature, the British government stood boldly and actively forward in his support. We united our strength to his, and he was maintained against all the embarrassments and the perils of his situation. We were successful; and the king of Prussia was not ruined, because he did not despair. We acted on principles of the wisest policy, because we acted upon that feeling of perseverance, and that unconquerable energy of mind which find in danger itself the source of their growth and vigour. He recollected, too, that at a more recent period—in 1803, when new plans were in execution for extending a general system of home defence, it was a frequent reproach to the government, at that time, that they neglected a more important and efficient line of policy in preparing for plans of foreign warfare. It could, however, hardly be said, that we had not of late acted efficiently upon this principle. After triumphing over France, wherever we had contended with her, and sweeping her flag from three quarters of the globe, was it advisable to stop suddenly short in this career, and withhold the means of future victory? When the present war in Spain first broke out, there never perhaps existed in the country so strong and universal a sentiment in favour of granting to that nation every assistance, and in every mode. He did not feel it necessary to go with the hon. baronet through the two first campaigns; but supposing there had been errors in the manner in which they had been conducted, were those errors to plead for a correction of, or to be adduced as arguments against the policy itself? Was the system to be entirely condemned on account of a few accidental defects? There certainly had prevailed a great variety of opinion in the House, as to the most expedient mode of carrying on the war in the peninsula, and among other schemes the hon. baronet himself had, he believed, his plan of a campaign. If he recollected rightly, the hon. baronet wished to begin his operations in Catalonia; but it was quite impossible that, after landing an army there, he should have advised its recall whenever the moment arrived of its being in danger. It might be urged undoubtedly, that we had met with some reverses—that we had been sometimes disappointed—but was it a solid objection to the continuance of a just and expedient war that we had not been invariably successful? Was this an argument for deserting a contest in which our best interests, no less than our truest glory, were at stake? He would wish to ask, however, had France herself found the struggle so light and her object so easily attained, as to inspire her with very sanguine hopes? He firmly believed that the French emperor was never engaged in any struggle of which he so heartily repented as of the war in Spain. There were features in it that rendered it perfectly distinct from the former campaigns and operations of the French armies. Let them compare the progress of Buonaparte's arms in every other country, with his achievements in the peninsula. In other countries twelve months had generally been found sufficient to annihilate the armed population. He had now been engaged four years in the vain attempt of subduing the Spanish people. What had been his predictions during that period, and how had they been accomplished? He had boasted, at one time, that within a few months not a single village should be in a state of insurrection,—he had vaunted that the British leopards should be driven into the sea, and the French eagles planted on the towers of Lisbon; but on the

Digitized by Google

anniversary of the day of that boast—O, happy commemoration! on the 27th of September were his veteran legions overthrown at Busaco by the prowess of British troops, and the energies of British co-operation. Insurrection was still alive and active in Catalonia, Navarre, Arragon, and Biscay, but if our assistance should be withdrawn was not likely long to exist. Some gentlemen had demanded what was the effect produced by a British army? He would beg such gentlemen to look to Portugal. Without British assistance, would the Portuguese have been able to redeem their long sunk honours? Without such aid, would a Portuguese army have existed capable and worthy (as lord Wellington expressed it) of fighting by the side of British troops? Nor was the possession of Portugal so unavailing, or so little conducive to the defence of Spain, as had been stated by the hon. baronet. The presence of our army there compelled the French to collect and keep up a mighty army to meet us whenever or wherever we moved; and this, too, in a country whose desolate condition afforded such scanty supplies for the maintenance of large armies. The French had in general supported themselves by the produce of the conquered countries; but owing to the fatal ambition of the French emperor, of whom, according to the advice of the hon. baronet, he would say nothing harsh, but content himself with a reference to his actions, Spain was so completely devastated as to furnish no means of sustaining the armed forces which overran it. Nor, lastly, should it be forgotten, that Buonaparté had, some time back, by his own confession, expended 400,000 men, and 200,000,000 francs, towards the subjugation of Spain, and had not succeeded: yet the hon. baronet recommended the withdrawing of our army from Spain. [No, no, from sir Thomas Turton.] He knew that the hon. baronet had not said so: yet, if his arguments had any meaning, such was their direct tendency. By such withdrawing, we should leave the Spaniards to their fate; for though they would, no doubt, prove turbulent and unruly subjects to their conquering ruler, yet he conceived they must be conquered; and would not such abandonment convert them from grateful friends into most vindictive enemies? Would it not ruin our character in the eyes of Europe? Would it not give colour to the common assertion of Buonaparté, that the English break their faith as soon as they are pressed by circumstances? Would it not induce all nations to combine against us in one common effort to precipitate our ruin? And if ruin should ensue, should we not fall without pity? Posterity would say, that England was once, indeed, a noble country, and held herself out as the protectress of the liberty of the world; yet, at last she disappointed the hopes of nations—she gave way to her fears: for the sake of ignominious safety, she abandoned her courage—her honour—her faith: she consented to resign all that makes existence valuable, 'et propter vitam vivendi perdere causas'. The hon. baronet might, perhaps, call these sentiments magnificent chimeras,—he might ask, what, if we should fail? To this he would answer,

"But screw our courage to the sticking place,
"And we'll not fail."

Mr. *Lamb*, without entering into a consideration of the ordinary forms of parliamentary proceeding, was of opinion, that a motion had never been submitted to the House, for which there existed more justifiable or stronger grounds. He entertained no wish to hold a desponding tone, or to think meanly of the public resources, but he could not perceive how acceding to the present motion, would be any confession of weakness, or betray any marks of pusillanimity. He did see, however, powerful arguments for going into the proposed committee. Among these were the extensive distresses of our commerce, the decay of our manufactures, a perilous foreign war, the nature of our relations with America, and unappeased discontent in Ireland. If any combination of circumstances could be imagined to create a necessity on the part of the House for entering into a grave consideration of the condition of the country, such a necessity did now exist. To every other motive was to be added, the consideration that the country was now governed by a divided, distracted, and inefficient administration. That ministry had recently lost the talents of marquis Wellesley, and he was sure that whatever difference of opinion might subsist upon some of his measures, no man would deny to him the reputation of an enlarged and statesman like capacity. He thought, therefore, that the ministry had lost much of their strength by the secession of the noble marquis, and was besides rather weakened by the accession of the noble lord (Castlereagh). [Loud cries of

Digitized by Google

hear, hear!] He meant no personal disrespect, but from a review of the past conduct of the noble lord the country could not form any favourable augury of future triumphs and successes, and although he did not ascribe all the calamitous events of the times to his conduct, he did think they had been greatly aggravated by it. Instead of conceiving that the notice of an hon. and learned friend of his was any bar to this enquiry, he begged to know how a motion of that grave and important nature could be better submitted than in a committee of the whole House inquiring into the general situation of the country. He had lately heard reports, of the truth of which he knew nothing, as to the intentions of government in respect to a particular question. He had heard that the supporters of ministers were to be let loose and suffered to give an unbiassed vote on a question of vital importance, he meant that of the Catholic claims. He should be glad to find this the fact, and he was confident, that if every man in that House should express his real sentiments, it would be then his lot to vote in one of the largest majorities that ever appeared in parliament. But while alluding to these rumours he felt it to be his duty to admonish ministers, not for the sake of maintaining themselves in power, to attempt to put a paltry juggle on the country, nor for the sole object of preserving their places to throw a lasting odium upon the legislature. Rather let them persevere in their old obstinate and ruinous policy. As to what had fallen from the hon. gentleman on the principle of offensive and defensive warfare, he had no objection to make to it; and notwithstanding the many errors in the conduct of the war—great and grievous errors—and more particularly while the noble lord (Castlereagh) was at the head of the war department, he still thought there was great subject of pride and consolation. He did think, too, that they never could have stood exculpated in the eyes of posterity, if they had not freely and even desperately rendered all that assistance to the Spaniards, which their cause so well deserved. He did not understand it to be the hon. baronet's intention to propose in the committee the abandonment of our allies, and he would therefore support his motion, not from feelings of despondency, but from a wish to see a vigorous policy pursued abroad, and a liberal one adopted at home. He at the same time always wished to see the distinction observed between what belonged to the bad conduct of ministers, and what grew out of the character of the times. Unless this distinction should be properly understood, no change of counsels could prevent disappointment.

Lord *Desart* opposed the motion, and contended, that his Majesty's ministers had consulted the honour and dignity of the country by the course they had adopted, and instanced, as a proof of their vigour, that not a French flag was flying in any colonial possession. He considered that going into a committee would have no effect, and would dull the spirit of valour among our Spanish allies, while, by conducting the present contest with unabated perseverance, final success would be the consequence.

Mr. *Herbert* (of Kerry) could see no good purpose which would be answered by voting in favour of the present motion. It would neither improve our affairs at home nor abroad; it might impede the pending negociations with America, and interfere with the conduct of the war in the peninsula.

Mr. *Matthew Montague* said, the inhabitants of this country were now carrying on a war against an enemy more difficult to resist than any who had hitherto appeared in modern times. Was this not a time, he would ask, when every honest man would wish to give strength and efficacy to the empire? Was this not a time for every well-wisher to his country to rally round the councils of his sovereign, and to support that august personage, who, till lately, had been so much the theme of the panegyrics of the hon. gentlemen opposite? Why did those gentlemen not come forward and give him their assistance when they were asked? [Hear from Opposition!] The hon. gentlemen might cry hear, hear, hear; but he would ask them, had not that august and exalted person opened his arms to them? and was not the manner in which he had been refused a dereliction of public duty? On what grounds did they refuse to join the present administration? It must be either on account of foreign politics, with respect, for instance, to the degree of vigour with which this country ought to assist Spain and Portugal, or it must be on account of our home policy, particularly with respect to the removal of the disabilities affecting the Catholics of Ireland. But if the right hon. gentleman now at the helm of affairs, were to throw up the

Digitized by Google

government to them, were they, he would ask, capable of forming a more able, a less weak, or a less divided administration? Nothing could, in his opinion, be more strong, or less divided than the present government. Now the hon. gentlemen opposite would understand what he meant. But what was the opposition? The opposition was on the contrary divided among themselves, and far from strong. Who was to be their leader? Who was fitter for that purpose than the present minister? Let him who thought himself able and fit to supply his place, stand up. Surely no one who agreed with an hon. gentleman who spoke lately, would concur in thinking the hon. baronet who brought forward the present motion a fit person. The individual who was always saying, 'Listen to that admirable man on the other side of the water.' Nothing could be more at variance than the sentiments of the gentlemen opposite. Why, he would take five lots of them at random, and there would be four of the couples that would disagree. The Catholic question would hardly produce unanimity; it would, on the contrary, carry dissention and disagreement even into the cottage of the poor. The hon. gentlemen opposite complained of the clamour against them on this subject. He did not wonder that they should wince when this sore place was touched. [Loud laugh]. The hon. gentlemen, by their cries, might make it difficult for him to express himself—they did not like his topics, because they were touched by them. However, it would be better, he knew, that he should speak shorter. Suppose the hon. member for Bedford at the head of an administration. Suppose he was to proceed to the continent, bent on peace, and, like lord Lauderdale, whose talents he greatly admired, should continue to negociate, while France was dispatching armies against Russia and Prussia, how would he look on his return? Would the affairs of the country be benefited by bringing into government a set of gentlemen who wished to make a bonfire of our paper currency? He would pass on to those gentlemen above the hon. gentleman, who declared that they had neither confidence in those below them, nor in those on this side of the House—those hon. gentlemen who went to public meetings, deluding the people under false colours, and some of them drawing out of other men's minds those resources by which they kept up their popularity. Those friends of radical reform, as they called it, wished to tear up all that was good and respectable in the country. Under their management, every thing that was now free would become fettered. One word with respect to the hon. member for Bedford. His diligence and his powers were, he believed, greater than those of almost every other man, but yet he differed from him in almost every thing. He observed, however, that that hon. member, and those who voted with him, seemed generally to select those times for their attacks upon the right hon. the Chancellor of the Exchequer, when it was not allowable, by the practice of the House, for him to answer them. With all the talents which gentlemen opposite believed they possessed, a successful government had, however, for a long time, been carried on without their assistance. Each of them might well exclaim, when speaking of the right hon. gentleman—"Great let me call him, for he conquered me." Single-handed the right hon. gentleman had beat all the talents.

The Gallery was then cleared for a division, but before that took place,

Mr. *Whitbread* rose, and expressed his surprise that on such an occasion the question should be suffered to go to a division without any explanation of their policy or views by any one member of the government. Notwithstanding the many pointed and personal allusions which had been made to himself by the hon. gentleman who had just sat down, in a spirit, he would admit, of such good humour as excited no unpleasant feeling, he should have taken no part at that period of the debate if he had not thought it of importance that some explanation should be given by ministers of the views they entertained, and of the policy they meant to act upon at so critical and perilous a period. If the right hon. the Chancellor of the Exchequer should not think proper to give any explanation upon the subject, he thought it desirable and necessary that at least the House should obtain from the noble lord opposite (lord Castlereagh) some exposition of his views, now that he was about to become a member of the administration. With respect to the hon. gentleman who had just sat down, he must observe that he had expressed himself extremely satisfied with the laugh he had produced; and in adverting to that declaration, he was reminded of an expression of that hon. member, when in a former

Digitized by Google

debate considerable mirth having been excited by something which fell from him, he remarked, "that those who win may laugh." If that were the case, really they must all be winners in the present instance, for a more general laugh than had been called forth by the speech of the hon. gentleman that night he had never witnessed in the House. To the topics which had been introduced by the hon. gentleman into the discussion, he should advert but shortly. It was not his intention to dwell at any length on the comparative estimate of abilities between the right hon. gentlemen opposite and those on his side of the House; on his assumption of certain expressions which had never been made use of—on his assumption of certain individuals being candidates for offices who had never offered themselves in that character—and on what appeared to him the indecent introduction of the name of the sovereign into a discussion in that House, and the irregular allusions to what had passed out of doors, and the various statements which had been made by the adherents of the right hon. gentleman opposite. The hon. gentleman had praised the talents of the right hon. the Chancellor of the Exchequer. The hon. gentleman might be perfectly persuaded, that no man was more convinced of those talents than he was,—and no man had been more ready than himself to acknowledge them. The hon. gentleman had said that the right hon. the Chancellor of the Exchequer had fought his opponents single handed. If he meant by this that he had fought them without the assistance of talents, he perfectly agreed with him—though even here the assertion must receive some qualification—for the hon. member opposite, who spoke first on the opposite side of the House (Mr. Robinson), had displayed talents and abilities in the course of his speech, which it was impossible not to admire, on whatever side those abilities might be displayed. The hon. gentleman (Mr. Montague) had professed himself the champion of the present administration, and had arraigned the conduct of those who had refused to join that administration. For a person like himself, to whom no offer had ever been made, it was impossible to accept any offer—though if any offer had been made, he certainly never would have accepted it—and if character, and principle, and union constituted the strength of an administration, no person who thought as he did, could ever conscientiously coalesce with the present. The hon. gentleman had said that those who refused those offices deserted their duty. Why? Because they would not join with an administration betwixt whom and themselves there existed no one fixed principle of union. With respect to the differences of opinion on his side of the House, there must be differences at times between men of principles and honour; and if those differences were such as to make it impossible for men of honour to unite in council together, to reproach those who refused that union, was to reproach them because they would not do the basest of all things; because they would not faulter in their counsels; because they would not barter their principles for a place in administration. The hon. gentleman had emphatically designated him as member for Bedford. Of this he was prouder than of all the titles which it was in the power of the crown to bestow; it was not in the power of the crown to make him higher; for nothing could be more exalted than the title of an independent member of parliament. He had not been courted to accept of a place; but had he been courted, as lord Grenville and lord Grey were—"No, so help me God!" said Mr. Whitbread, "I would rather sink ten thousand fathom deep, than make a part of any administration, of whose principles I could not approve." He would not even have accepted such a situation, if he had been solicited by his sovereign himself. But when the present ministry came forward and said, their opponents had been guilty of a dereliction of duty, for refusing to accept places under an administration to whom they were diametrically opposed in every principle, and particularly in that vital principle of Catholic Emancipation, they were pronouncing the strongest condemnation of themselves which it was possible to utter.—And here he could not help adverting to some rumours which had gone abroad, that this principle of Catholic Emancipation was no longer to be considered a cabinet measure, and that the strength of administration was no longer to be directed against the Catholic claims; so that a bargain was now to be struck with those who were favourable to the Catholics, by those who believed that to admit the Catholics to power, would be to betray their country; and a measure which was professed to be of the most vital importance was to be sacrificed to the mere possession

Digitized by Google

of office. The Catholic question was now, it seemed, to be scrambled for, and to be treated exactly in the same manner as the Slave Trade question had been treated. Let the Catholics consider for a moment, what might be the probable effects of such a system, from the effects which had been witnessed in the question of the Slave Trade. Let them consider that the most powerful minister which this country ever possessed, exerted for 20 years all that transcendent eloquence and all those great powers which belonged to him, without the smallest effect; and let them reflect, that that trade never was abolished, and never would have been so, till it was made a measure of an administration, who had pledged themselves on the subject, and then it was abolished with one of the smallest minorities which had ever been seen in that House on a question of any importance. Before, however, the hon. gentleman called them to join the administration of his friends, it would be well for them to inquire if those friends were united among themselves; for, if a disagreement in the nation was bad, a disunion in the councils of the crown was worse. A late member of the administration, of whose policy he certainly could not approve, but whose talents and eloquence no man admired more than he did, and who was of great consideration in the peninsula, had told the House that he was friendly to the Catholic claims; and that concession to the Catholics ought to be speedily made. They were told, however, by the Chancellor of the Exchequer, that he could not foresee a time when this could be done with safety. A noble lord (Castlereagh,) who had descended from the mountain (alluding to the seat on which lord Castlereagh had recently sat) to be a tower of strength to ministers, but who was probably only on trial yet (for his indentures were not signed, and he might be off his bargain) had frequently told them the impolicy of coming to a final determination upon an indefinite question. As the noble lord knew the Catholic question was again coming before the House, the country ought to be apprised how that noble lord meant to conduct himself; and yet the House were nearly going to divide without knowing from him how he was to act! He, who was the sole argument why they were now going into a committee on the State of the Nation, was to be allowed to leave the House that night without telling them upon what terms he accepted of office! Did he mean to vote for the Catholic claims? Did he not know that his right hon. friend had power to oppose him, and to oppose him successfully, if he was favourable to the Catholics? It was delusion then, in him, to tell the Catholics that he was free to take whatever line on this subject he might approve of, while he knew that the person on his right hand (the Chancellor of the Exchequer) had entered into an undertaking sealed by power to frustrate all his attempts. That right hon. gentleman, of whom he could not suppose any thing so base and mean as to give up a question which he considered vital to the state, for the sake of an accession to his administration, could not now surely reduce himself to a single individual, and content himself with a vote in the cabinet. How a man with such opinions therefore could ever put pen to paper, and solicit such men as lord Grey or lord Grenville to join him—was what he was really astonished at. Such a junction if made could not have benefited the country. No man who valued his character could have acceded to it under the present circumstances. They had been told of the inconvenience of going into a State of the Nation, and that it was uncalled for at present. If there were no other reasons for going into a committee on the State of the Nation, than the situation to be filled by the noble lord, and the dangerous state of Ireland, they were surely sufficient. No doubt this would be inconvenient to ministers. So every ministry had uniformly said, for the last fifty years, in answer to similar motions; and so long as they had power they never consented to them. The state of the nation, however, was really most alarming; and the House had always, when difficulties were such as they were at present, thought it advisable to go into a committee.—"Why," said an hon. gent. in the early part of the debate, "why will you harass the minister?" It was his duty not to harass the minister, but to give such a vote as he considered for the good of his country; but harassed he must be, and greatly harassed at present. He must be harassed by the falling off of friends who had deserted him in his utmost need, and obliged him to take up with any person who could make up any thing like an administration. He must be harassed both in that House and out of that House; for they who imagined all his difficulties were in that House, knew but lit-

Digitized by Google

tle of his real situation, which certainly was not to be envied. With respect to the noble lord (Castlereagh), who was at present, as it were, suspended between two situations, he should wish to know to which of those situations he was destined?—Much had been urged against the hon. baronet, for what he had said respecting the war in the peninsula; but, in his opinion, what the hon. baronet had advanced on this subject had been much misrepresented. He would not now go into the conduct of the war in the peninsula, and when he considered the manifold distresses of this country at the present moment, it was not necessary to go into it. But there were those out of that House who might think the affairs of Spain and Portugal would not be much improved by the management of him who had already displayed his skill in Holland. When formerly accused of incapacity, and when failure was brought home to him, the noble lord sheltered himself under the vote of the House. But did the House—did the noble lord himself really believe that the country would wish to see the war and colonial department filled by the man who conducted the Walcheren Expedition? Did he really lay that flattering unction to his soul? Did he think it would make no impression on the people of Spain and Portugal, to know that lord Wellesley, the brother of that great captain who had gained such immortal honour for himself, and glory to his country, by his brilliant achievements in the peninsula, had quitted the councils of the nation, and that he was to be replaced (for the noble lord was not to succeed to the Foreign Secretaryship he presumed) by that person under whose auspices was conducted the disgraceful expedition on which so much of the blood and treasure of the country had been fruitlessly sacrificed? Besides, the noble lord had been arraigned for bartering seats in parliament, and though he made a very gentlemanly defence, the people of England would never forget the accusation. The golden dreams in which the Catholics had so long indulged must now vanish; the bright prospect which hope had illumined was obscured by the approach of the noble lord (Castlereagh) who was surrounded only by the dark clouds of defeat and despair—his usual attendants. If, notwithstanding this great accession, there were a man in the House who thought that the present government was inefficient, it was his duty to vote for the appointment of this committee. He would not at that hour trouble the House further, in the hope that the noble lord might be induced to rise and explain the mysterious circumstances which had attended the last ten days, and if that explanation were not satisfactory it would be an additional motive for assenting to the motion now submitted. At present an inconsistency had been displayed by the noble lord wholly incompatible with the safety of the empire, if he were allowed to hold any place in its councils.

Lord *Castlereagh* said, that he should have lamented if he had not had an opportunity of addressing the House; but being confident that the hon. gentleman who had just sat down would not suffer a division to take place, without first making a speech, he had restrained himself till it was concluded. He was the more ready to do so, since there was no gentleman in the House that he was more desirous of following, from the manly and direct manner in which all his attacks were made, so that the real object of them could never be equivocal. The question had been put by the hon. gentleman on its true foundation, namely, to what set of men the government of Great Britain should be committed; to whom the safety of the empire should be entrusted; avoiding the general topics urged by the hon. baronet, which had little to do with the main subject of discussion. On that question he was perfectly ready to enter the lists, and he should barter his principles, and abandon the firm convictions of his judgment, if he were to desert the present system of administration for that which had uniformly met with the concurrence of the opposite side of the House. Those who, on perusing the important correspondence recently published, imagined that any middle course could be pursued, which might produce a combination of talent, were by the address just delivered, completely undeceived, and every hope of that kind that some had perhaps too fondly cherished, must now be for ever blasted. Those who before were inclined to impartiality, must now once for all decide, under whose banners they would enrol themselves. In his opinion, a coalition on the part of lords Grey and Grenville would not have been a greater inconsistency than when on a former occasion many of the party opposite consented to act with them. The principles of those two noble lords would not have been injured in the opinion of

Digitized by Google

any good or wise man, nor would the sacrifice of personal or of political honour have been required in order to form a united government of both parties, to rule over the affairs of state. Such flattering prospects had now vanished, and perhaps it might be considered of much importance that an understanding should be come to, that every man must make a dry option between the two systems so diametrically opposite. Upon the subject of the war in the peninsula, to which so much reference had been made, he put it to the hon. baronet and to his friends round him, whether in the mode they had hitherto treated the question, after the desponding language they had held, and the determinations they had expressed, either Great Britain or Spain herself would believe that her cause was safe in their hands? Would it not, as it were, kill the whole of the peninsula, and paralyze the efforts of a brave and deserving people? It would be impossible for minds lowered as those of the opponents of the system now adopted had been, to work themselves up to such a state of enthusiasm and energy, as would be requisite for the spirited prosecution of the war. It was easy to see that there was now no alternative. The noble lords Grey and Grenville had shut out hope, and putting an end to an intercourse with the administration which might have led to a coalition beneficial both to themselves and their country, had consequently debarred themselves equally from any co-operation with the present supporters of government. They had proscribed all public men out of the circle of their own immediate connections. (Cries of, No, no!) The noble lord admitted that he had overstated the fact, for they declared that they had no personal dislike, and that their objections were not to men but to measures. All gentlemen, therefore, who chose to desert their principles, might if they pleased, unite themselves with administration (Hear, hear, from Opposition!) He thanked the other side of the House for the cheer they gave him, for he understood it to insinuate, that he, in joining the present government, had deserted his principles. He was extremely anxious to detail to the House the grounds on which he had proceeded, and to state for what reasons he found no difficulty in acting with the advisers of the Regent. Upon the subject of the Roman Catholics, his sentiments had not changed in the slightest degree. When he before had the honour of forming a part of administration, he had differed with his right hon. friend, the Chancellor of the Exchequer, on the principle of the question. He was friendly while his right hon. friend was directly opposed to their claims; but he was against the agitation of the subject at that time, and he still remained of the same opinion. It might be right for the House to be informed of the principles which actuated hon. gentlemen on the other side of the House; and it was fortunate that they had to night been stated in a manner which rendered equivocation impossible. Does, or does not, (said the noble lord) lord Grenville stand to his professions in the letter he addressed to the earl of Fingal? (Repeated cries of hear! hear! from Opposition!) It may be so; but if any judgment can be formed from the sentiments expressed during the debates, I should say that he dismissed from his mind the whole system of guards and regulations laid down so distinctly in that letter. If the representations published are correct, I find his lordship in another place, within a short period exclaiming with vehemence, 'Where is the danger to the establishments? Why do you not give an immediate assent to the demands, before you are compelled to do so?' Surely this is not very consistent conduct; for there is no allusion made to any of the important safeguards before so much dwelt upon; and when I read in the Letter of lords Grey and Grenville, that it is impossible for them to come into power, for ever so short a time, without recommending the immediate repeal of all the penal statutes against the Catholics, and no allusion to any protection for the Protestant church, I own I cannot help being surprised. The conclusions drawn by the hon. gentleman who spoke last, make it clear that the change of system must be general and fundamental, and the real question now to be decided is, whether an act shall be done which shall compel the Prince Regent, contrary to the determinations of his mind, to change his government, for the purpose of enabling that government to advise his Royal Highness to repeal all the laws of restriction upon the Catholics. I am a friend to the Catholic cause, under certain regulations, still. (Hear! hear! and a laugh from Opposition). These marks of triumph I can easily understand: they mean that those who shew them stand upon sure ground: but unless such a government can be formed as may induce

Digitized by Google

the Regent to revoke the opinion he has given, the Bill may be brought in, but it can never become a law, and the new ministers must quit their seats in six weeks after they have occupied them.—His lordship then proceeded to notice the curious reason that had been assigned for this change in opinion in the noble lords alluded to, which was the increased danger of the times. He was at a loss to discover it, whether he looked to our external or internal relations. Unless victory added to our insecurity, which might, perhaps, be contended by the other side, he could not ascertain the smallest ground for the assertion. In Ireland he thought that for political purposes the accounts of disturbances had been grossly exaggerated; but if the Catholic emancipation were acceded to, they would not be confined to Ireland, and we might rue in England the baneful consequences of rashly granting a measure contrary to the well grounded prejudices of the great mass of the community. "I wish (proceeded his lordship) to state the governing principle which has actuated my mind in uniting myself to the existing government. I find that two systems are in being, supported by directly opposite interests; and during the former administrations with whom I acted, whether of the present Chancellor of the Exchequer, or of lord Sidmouth, a great variety of opinions prevailed on the principle of Catholic emancipation; but what all of us concurred in was this, that it was not the fit moment for forcing the question —we differed as to principle, we concurred as to time. My reason, then, for inclining to this side of the House rather than to the other is, that my sentiments more nearly accord with those of my friends round me, because the wish of gentlemen opposite is immediate and unregulated emancipation, to which it is impossible I should accede, unless, indeed, I should falter most essentially in those principles which it has been, and will continue to be, my pride to maintain unaltered. If, indeed, a government of united integrity and ability could have been formed, I should have been one of the last to discountenance it, or rather one of the first to offer it my weak support and assistance. Thus then, I think I have stated enough to satisfy the hon. gentlemen opposite. If not, I lament that their minds are not open to conviction, but this I can assure them, that I have satisfied myself. I trust, also that I have stated enough to convince the House of the purity of my motives in taking that alternative, which I conceived to be most conducive to the general welfare." With respect to the campaigns, if the hon. bart. thought it advisable to go into a committee on that subject, he ought to have done so two years earlier. Was it nothing, he would ask, to the military interests of this country, that in those campaigns Portugal had been wrested from the enemy? He would contend that the first had procured the safety of the whole south of Spain and the port of Cadiz. He would moreover assert, that to the campaign in Estremadura we owed that other great hold in Spain, Gallicia. But for these, Portugal had not been ours. The port of Cadiz had been in the hands of the enemy, and the fleet of Ferrol seized upon. The allusion to Walcheren had more of parliamentary trick in it than of justice, and the hon. gentleman himself had been candid enough to allow on a former occasion, that he had afforded every means of enquiry. When the hon. gentleman said he was incompetent to the execution of such an undertaking, he should have recollected his own admission, that he had no fault to find with the execution. He thought his present declaration rather inconsistent with his former. As to the principles on which he should act, they were those which Mr. Pitt had sanctioned with his immortal name, and with his decided views of the policy of the country both external and internal, he should think himself a political coward if he were afraid to place his humble services at the disposal of the Prince Regent. It was for his Royal Highness to command, and under that command he would fight the battles of the constitution with alacrity.

Mr. *Tierney* expressed his happiness at hearing what were called the dry principles of the noble lord who had just taken his seat; they had undergone no change, and needed none, for any that were more convenient for every emergency it was difficult to devise. His principles on the Catholic question were the same, namely, a principle which allowed him upon one occasion to be for the Catholics, on another to be against them. All that was known was, that as the noble lord came out so he went in. On lord Wellesley's going out of office there had certainly been great difficulty in persuading any other man to come into office, and the right hon. gentleman opposite was doubtless happy in the noble lord's assistance, for the noble

Digitized by Google

lord had been out to grass for about a couple of years, and fresh and vigorous for action, he had been now caught and brought back again to his old work.—Mr. Tierney had no doubt that the statement of the noble lord, that he had not entered into any stipulation with ministers, was true; but having it from authority the most unquestionable, he would assert most distinctly, that in the cabinet there was an understanding regarding the agitation of the Catholic question: he was convinced that at least some stipulations had been entered into between a portion of the servants of the Regent; and he took upon himself most peremptorily to affirm, that in the highest quarter there had been a misunderstanding of a most extraordinary nature. The question was not who should form the government, but whether there should be any government at all, for at present none existed. Who was Secretary of State for Foreign Affairs? Who occupied the War and Colonial Department? and what arrangement had been made for the secession of Mr. Yorke from the situation of First Lord of the Admiralty? In the time of Mr. Pitt, the usual answer made to motions like the present was, that the state of the nation was not to be examined, because the country confided in the minister, that he would take care that all was prosperous. Was he to suppose that the country would be equally safe in the hands of that distinguished statesman opposite? It was true, he was bred and born under Mr. Pitt, but was it to be presumed, therefore, that he possessed either his credit or his talents? He did not think that the right hon. the Chancellor of the Exchequer's friends acted wisely or kindly by him, in thrusting him forward, and making him so much their boast, especially when it was considered that he was but a statesman of five years old. He had yet not directed any of those great enterprizes undertaken by Mr. Pitt, and had shewn little more than a fixed determination to remain in power, making offers, first to one peer, and then to another, until, as a sort of dernier resort he had pitched upon the noble lord opposite, who after having undergone much suffering, was at last sweetened and fresh for office. The main point to be established, or rather which had been established, was this, that the lords Grey and Grenville could not join the present servants without a base dereliction of principle; and whoever advised the Prince to write the Letter, making the proposal to them, took care that it should be so couched as to ensure a refusal. When the right hon. the Chancellor of the Exchequer first quitted the profession to which he had been educated, he stated as his reason, that he was called upon to stand by the "Good Old King." Now he was disposed, no doubt, to stand by the "Good Young Regent:" and if any accident should happen to deprive the country of his Royal Highness, he would be equally anxious to stand by the "Good Young Princess Charlotte." If the right hon. gentleman was to be pointed to as the key stone on which the whole fabric of the state was to depend, it was a most decisive reason, indeed, for instantly going into the committee.—He could not have the slightest hesitation in saying, on the part of his noble friends, lords Grey and Grenville, that it was their conviction that if the discontents in Ireland were not immediately removed, there was every reason to apprehend the most dangerous consequences; and when it was asserted that lord Grenville had shifted his ground, it ought not to be forgotten that two years of increased confusion had since been witnessed in Ireland, and lord Grenville had it not in his power now to offer any redress. For himself, he did not believe that a tythe of the regulations some men required were necessary; but lord Grenville was of a different opinion, and upon the subject of the Veto he had expressed it. At the former period, the Catholics declared their readiness to meet the difficulties half way; and how was it to be ascertained that if sincere offers were now proposed to them, they would not exhibit the same disposition? At the present moment lord Grenville was as desirous as ever of procuring the necessary guards, if they could be obtained; but if not, he was willing to avert the total ruin of the country, by making a comparatively insignificant sacrifice. Was the noble lord who spoke last the only man who was to be allowed to modify his sentiments with the urgency of the occasion? Nothing, however, could be more unjust than to state that those two distinguished peers were actuated by the narrow principles which governed that noble lord. They would be happy to listen to any proposition that would tend to the public benefit, but they would only hear it from a person who agreed with them in the main principle of Catholic Emancipation.—To the subject of the war

Digitized by Google

carried on in Spain and Portugal, he would next advert, and to the assertion of lord Castlereagh, that it could be conducted and directed by none who did not feel a violent enthusiasm in the cause. His (Mr. T.'s) opinion was, that the measures were to be limited by the means, [Hear, hear!]—although there could be but one feeling in the nation that to the utmost of our means the common enemy of the liberties of man was to be resisted. If, indeed, the government of the new Regency were united, if the recruiting service from the re-animation of the country were more successful, if our finances were better managed, and if above all, the whole population of the empire were conciliated, additional inducements to more vigorous efforts would be supplied. He desired to be distinctly understood that he never maintained that it was necessary to withdraw the British army from the peninsula; all he requested was, that the subject should be soberly and deliberately investigated, and that the House should not be led away by the enthusiastic spirit which the noble lord had so much admired. Of lord Wellington he entertained the highest opinion: a braver officer, one more beloved by his troops or more zealously attached to the interests of his country, could not exist. But if lord Wellington's enthusiasm pervaded the ministry, he should be glad to learn why marquis Wellesley had deserted them in their utmost need? What was the cause of his quitting office? Was it the Catholic question? Was it the state of the finances? Was it a difference of opinion with regard to the assistance to be afforded to Spain? He claimed an answer from the Chancellor of the Exchequer on behalf of the country, since it would tend to throw much light upon subjects which a strong disposition had been shewn to keep in the shade. The lamentable state of the government at the present moment, when all was loose conjecture, rendered the proposition for a committee on the state of the nation still more expedient. It seemed to him a singular determination, reflecting on past events, that Mr. Perceval should be the *sine qua non* of every new administration, particularly when he was almost the only decided enemy of the Catholics claims, the concession of which would be the salvation or the refusal the ruin of the nation.

Lord *Castlereagh*, in explanation, said, that he was not aware of any recent circumstances to alter his opinion on the Catholic question. He made no confession of any new opinions, but felt as he always did on that subject. But when his right hon. friend had been accused of inconsistency, he asked, was he guilty of more inconsistency than lords Grey and Grenville, when those noble lords took lords Sidmouth, Erskine, and Ellenborough, into their councils; or was it their intention to have left lord Sidmouth in the lurch as soon as the Catholic question should be started? Or did they act differently from his right hon. friend, when, in their memorandum laid before the King, they reserved to themselves the right of vote, in their individual capacity, for the Catholic question?

Earl *Temple* felt it necessary to take up the attention of the House but for a few moments. He begged leave, in the most positive manner, to state, that neither lords Grey or Grenville did, at any period of their political lives, much less in the formation of the government at which they were at the head, hold out any idea that the Catholic claims were not to be deemed a government question: on the contrary, previously to their dismissal from office, they expressly stated, that they ever would reserve to themselves, whenever the subject was introduced into parliament, the right of advising the King as a government, and not merely as individuals.—As to the proposal to join the present administration, he would say a few words. Of lord Grenville it was not permitted him to speak, but of lord Grey, he would pronounce, that if any man had been more conspicuous than another in the country for public honour and private faith, for public purity and private worth, that man was lord Grey. Such a character was he, that there was not any person, however high, who might not go with that noble lord with more honour into the obscurity of retirement, than follow the right hon. gentleman to the most dazzling heights of power. How vain was it, then, to speak of such a coalition! The offer of his Royal Highness he would always consider as dictated by responsible advisers, and it was an offer that never was intended to be accepted, but was, in fact, meant to be refused. It was a mockery, which merited and could receive only rejection. He only regretted, indeed, that his Royal Highness could ever have been brought to think so ill of those noble lords, as to imagine that in one short year they

Digitized by Google

could have been capable of deserting their principles. If "character was the strength of a country," then surely the character of the public men of England was its bulwark; and its government could be respected abroad or loved at home, only inasmuch as that government was composed of such public men as placed principle above every other object. The noble lords had certainly "no predilections to indulge, no resentments to gratify;" but at the same time the right hon. gentleman and the noble lord should know, that for base lucre they had no principle to lose.

The *Chancellor of the Exchequer* would not trouble the House at length on the question before it, because whatever the hon. baronet might honestly think of the object of his motion, the question was not to decide on the subjects he had introduced in his speech, but simply this,—whether it was necessary or not to advise his Royal Highness to choose other counsellors? This was obviously the question; and, indeed, it was frankly and honourably confessed to be so, by an hon. gentleman (Mr. Whitbread): so that the hon. baronet was unconsciously the leader of the great phalanx on his side of the House. It was impossible to suppose, and even the ingenious speech of the right hon. gentleman (Mr. Tierney) could not amuse the House into an opinion, that it was seriously intended to discuss the negociations in 1806, or the two first Spanish campaigns, or other expeditions, which had already been often submitted to their consideration. There was a part of the hon. baronet's speech, however, connected with these points, which he did not wish altogether to pass over. The hon. baronet approved of the expedition to Copenhagen on such grounds, that he begged leave to decline praise given on such a foundation. The expedition, according to the hon. baronet, was justified by expediency, but not by the law of nations. He would contend that on every rational principle of the law of nations, that expedition was perfectly justifiable. Thus much alone would he say on the different topics introduced by the hon. baronet, not as abandoning any of these topics when properly brought forward, nor indeed out of any disrespect to the hon. mover himself, but because the motion appeared to be, however ignorant the hon. baronet might be of it, for inquiry not into the state of the nation, but into the state of parties. The main question was, whether it was expedient to make a change in the Prince Regent's councils. The gentlemen on the other side thought it hard that some change should not take place, if even that change were only tried as an experiment. At least they begged for a change for two short months, to be able to know whether the Catholics might not be conciliated; whether the Catholics might not be in a temper to agree to these securities which they had refused. The right hon. gentleman had said, that lord Grenville still was of the same opinion as to the necessity of securities. He confessed he did not entirely understand what had fallen from the right hon. gentleman, for he did not yet know whether lord Grenville was prepared to grant emancipation, in case those securities should still be refused. This however, he knew, that the House should have some candid information, before it should be called on to judge of lord Grenville's views on this important subject. His noble friend had been charged with a remarkable convenience of principle, for consenting to give the assistance of his talents to the administration,—great convenience of principle! And from whom did this charge proceed? from those persons in the party of the noble lords, who in his opinion had shewn as much convenience, as much application at least of principle to times and circumstances, as any statesmen that ever lived. If convenience of principle were a quality to be found in public men, convenience of principle in the sense of applying principle differently, at different times, to the same question, he thought that quality was not to be found in higher perfection in any other public men, than in lords Grenville and Grey. His noble friend held the same opinion now, that he ever did on the Catholic claims. He had since the Union been always the same,—not so with the noble lords. Upon the breaking up of Mr. Pitt's administration in 1805, were not the noble lords as much convinced as now of the vital necessity of carrying that question? They did carry the abolition of the Slave-trade, a measure for which they had his thanks as well as the applauses of their country and the good wishes of mankind; but though in the plenitude of power, did not they consent to let this, their vital question, sleep for one session, and did not they make every effort to put it off the next? Was it not kept back during the whole of Mr

Digitized by Google

Fox's life-time? Did they not, under his auspices whose principles they professed to admire as the bright example of their conduct, consent to shun this question? Did not they shew such a disposition to temporize, that unless it had been forced upon them, it might be concluded they never would have brought it on? And then, when it was forced upon them, what did they do? Instead of recommending the adoption of their vital question, they stole a little something into the Mutiny Bill, which something, indeed, in its very nature, pledged them to a further progress in the road upon which they had entered. It was the first step, but the consequences to which it led were such, that no wise and reflecting mind could fail to experience the greatest uneasiness from their contemplation. But the introduction of that little something was resisted, and strange to tell, these men of consistency,—these unchanging and unchangeable men, gave up even that little something. Yes, the men of principle were convenient enough to be ready to remain in office though that vital question was given up. With what face such men could stand up in the midst of a nation who knew all this, and talk of their consistency, and taunt others with the want of it, he was at a loss to imagine. He did not, in imitation of the manner in which he and his colleagues were treated by others, accuse those noble lords of being actuated by any base view to place or profit in their wishing to remain in office. No such thing: they had an object in view, which he really believed they thought of importance; but, like enlightened men, seeing they could not carry their favourite measure at one time, and hoping that they might at another, they temporized,—they made their principle convenient to a particular purpose,—and in his opinion they acted wisely. But when called upon for their assistance in the general affairs of the nation, any temporising was, it seemed, impossible. Then the question was of such vital importance, that its consideration could not be delayed a single month. Mr. Fox was the pattern of the gentlemen opposite, yet through his life they waved the consideration of the Catholic question; but now they exclaimed that there could be no delay, although something very like insurrection or rebellion was at the bottom of the proceedings on that subject. If they were admitted to power on their own terms, was it possible to carry this question? Were the Catholics likely to give those securities, which, not bigots, but enlightened statesmen,—not himself, but lord Grenville required? The Catholics would not, according to the principles of their religion, if he knew any thing of it, give those securities. For his own part, these were no considerations with him. He did not think it expedient to grant the Catholics their claims, nor did he see in the future any contingency of political events that could make it expedient. As to the charge that he had abandoned the question as a cabinet measure, he certainly thought that a difference on this head ought not to exclude any man of talents from lending his assistance in the councils of the Prince Regent; and for this reason he should not refuse it from any difference on a speculative point; for as far as practical purposes went, as far as it was considered inexpedient now to make concessions, he begged leave distinctly to state, that all his colleagues, whatever shades of sentiment there might be upon particular points, concurred in this opinion, that at this present time, whether from the state of the Catholics of Ireland—whether from the state of the Pope—(Hear, hear! from the Opposition Benches). The hon. gentlemen turned up their heads at this. But what did lord Grenville say in the very letter then on the table: if any security be given, it must be an ecclesiastical one; and that ecclesiastical one must be through the Pope—for it was not consistent with that religion to give up any right of the Pope without the consent of the Pope—therefore whatever shades of opinion there might be between himself and his colleagues upon other points, in this they were concurrent, that this was not the proper time for concession. Without aspiring to a knowledge of what might be the future opinion of the Regent, he was content to serve his Royal Highness, while he would accept his services. If it should occur that his royal master should not choose to abide by the advice which he now had the honour to give on this subject, and should cease to regard it in the light that he did at present, then he, with all that gratitude which the favours conferred on him by that royal person, were calculated to inspire, would beg leave to depart from his councils; and would make his bow with as much satisfaction as ever he did on entering the royal palace. He should not think himself justified in en-

Digitized by Google

deavouring to fix a permanent and indelible impression on the royal mind. It was his duty to give his royal master the best advice in his power, during the period of his service; but he should have no right to impute to his Royal Highness a dereliction of principle, should he, under a change of circumstances, alter his opinion. The Prince had thought proper to retain him in his service, with all those prejudices which at the commencement of the limited Regency had been studiously instilled into his Royal Highness's mind against the King's servants, and which prejudices were conveyed to them in an open, frank, and therefore consolatory manner; yet at the end of the limited Regency, such an experience had he of those servants,—so advantageous to his country did he perceive their measures to be,—so productive of glory, and honour, and benefit, that he had the magnanimity to avow the change which had taken place in his sentiments respecting them, and to signify his pleasure that they should continue to administer the affairs of the country. This was a delicate topic, on which he was reluctant to say any thing, and on which it was easy to say too much. With regard to the subjects with which the hon. baronet introduced his motion, he hoped to be excused from entering into them, not because they had not been well advanced or supported, but because they did not seem to require any reply. He would refer the hon. baronet to past debates as a reply to some of them, and to future ones for a reply to others; satisfied as he was that the real object of the motion (although, perhaps, the hon. baronet might not himself be aware of it,) was that which he had stated at the commencement of his speech.

Mr. *Canning* had anticipated the turn which the discussion had taken; namely, to a consideration of the principles on which the new administration—if it could be so called—was formed. It was painful to an individual standing almost alone, unbacked by any party, to express his opinion on this subject; but it was a duty from which he had determined not to shrink. In the formation of a new administration, there were two material questions that pressed themselves upon the country, and on his mind: the one the military transactions abroad; the other the peace and tranquillity of the empire, and especially of Ireland. To the military transactions he gave his warmest praise; he should most strenuously support any government that could carry them on as they had been carried on for the last two years. But it was material to consider upon what grounds the tranquillity of the kingdom was to rest. On a former night he had opposed the motion concerning the Catholics of Ireland, because it involved a censure of ministers whom he did not deem censurable, and because he did not think the mode of bringing forward the motion well chosen. He did not approve of the mode, because he conceived that much more benefit would result from the question being brought before parliament by the executive government. Now, however, the matter was changed, and he deemed it a most serious question, when what had been heard from two ministers that night was considered, namely, that the doors were now to be shut for ever against those claims. [Hear! hear!] He could collect no other meaning, but that as long as the government continued on its present basis, there was no chance of that question originating with it. Petitions, indeed, might be received from Ireland; but the hope he entertained that the Catholic question would be brought forward as a measure of government, was now lost for ever. The right hon. the Chancellor of the Exchequer said that a time might come when those claims might be allowed, but he did not see when it could come. What subtleties! What refinements! It was objected to an orator of old, that he dealt too much in refinement: "Aye," said he, "but I speak to Athenians." To whom did the right hon. gentleman speak? To what people were those distinctions addressed? To a people who had warm and generous hearts to feel, but not minds qualified to discriminate; to persons unenlightened, rude, and uncultivated; who believed in certain mysteries which staggered our faith, but which certainly did not exceed the mysteries of those refinements. The declarartion, however, amounted to this; to a denunciation of perpetual and hopeless exclusion, as long as the right hon. gentleman remained in office. The noble lord had said, that his opinion had remained the same as his (Mr. Canning's) when they were in office together. But had nothing happened since? He thought he might state it constitutionally—and he stated it as a principle upon which he acted in taking office, and, upon which he acted in

Digitized by Google

office—that the sovereign had a right to an individual opinion upon all subjects presented to him by his cabinet; and they who questioned that, must question many of the acts of king William, many of the acts of that period nearest the renovation of our constitution, and when we had a natural jealousy of all that could impair its freshness.—It was a question for that administration to decide upon, to which the noble lord had alluded, whether they would press their opinion at all risks, or whether they would leave the conscience of their sovereign unwrung upon that delicate point. The obstacle that existed was a great one; but it was no greater than what a loving father interposes to an expecting but not undutiful child. He would have consented to concede the claims then, but that individual whom the constitution had armed with power to annul the consent, had intimated his intention of exerting his power. He felt that circumstances were now changed—he felt that that obstacle (would to God it had not been so!) was removed; but even if he did not see that change, was it likely that they who were most interested would not found hopes upon it? They had looked forward to the removal of this obstacle, as a period when their grievances would be heard, and perhaps redressed; and what must be the effect of this disappointment upon their minds? What was always the effect of disappointed hopes upon the human mind? He was speaking to an audience capable of feeling those questions. Was it possible that the debate of this evening could go to Ireland, and not excite the strongest sensations? The completion of their long nourished desires did not now depend upon the life of an aged man—a life they would not shorten one day by their wishes to gain their views—but upon the continuation of the present minister in favour; but what might have been conceded to such a man, to his age, to his sufferings, to the memory of what he had done for his people, would not be conceded to the virtues and services of his right hon. friend. A question of this vital importance was now to be brought before the House in a new way; not as a government one, but as one on which every person would be at liberty to vote according to his real feelings; and there was a possibility—nay a probability, that ministers would be found voting against each other. It was preposterous thus to talk of discussing the question, without admitting any influence on the part of the crown. Reference was made to the Slave Trade, in justification of this plan; but he thought it the most fortunate part of that transaction that it was at last taken up as a government question, when the trade received its final blow. If that, therefore, were cited as an example, he wished it also to be cited as a warning. It lingered on year after year, till it was brought forward, though by a discordant administration, as a ministerial measure—and that was the only way in which the Catholic question ought to be treated. Here again he would guard against being construed to mean unqualified concession—he meant no such thing—he would have guards, he would have qualifications by which the establishment both of church and state might be effectually secured. Perhaps he should be again answered by being desired to produce his guards; but any one must know that to be only a trick in argument. Who would bring them forward, at that stage of the question, to undergo a hostile discussion? Suppose we were making a treaty of peace—must we disclose all our terms, all our conditions, prematurely, to be conveyed perhaps to the enemy? Certainly not. Aye, but then it would be said, why here is a fellow who wishes to treat without any conditions at all. Just so it was with regard to the Catholic guards. The question, however, was an important, a solemn one. We heard it—we felt it—it animated the whole mass of the Irish population: it came over almost on every breeze that blew upon our shores; and we could not evade it much longer. There was one, but one cure for all these difficulties, and that was the executive government looking at the question as one of great political magnitude—not as a question of abstract morals. He was compelled, with reluctance, to signify his disapprobation of the principles on which the government was acting on this most important subject, by voting for the motion. On the war of the peninsula, his opinions remained unchanged. He feared, however, that administration, in losing the noble marquis (Wellesley) had lost the stimulus of those successes which had graced the two last years; nevertheless he would still hope, that some of the noble lord's spirit might linger on his successor, and that such an impetus had already been given, that more would be achieved in future.—There were many other points on

Digitized by Google

which he should conceive it to be his duty to support the existing administration. The propriety of the Orders in Council, for instance, he completely concurred in, although perhaps some enquiry was necessary into the alleged abuses in the licence trade. On the subject of the currency, he thought that the course adopted by the House last year (whether wisely or not was not the question) was conclusive. The general system of our foreign relations he highly approved, and he declared that should any other set of men be placed at the helm of government, who might think it expedient to abandon that system of warfare in the peninsula by which the country had been raised to its present glorious height of character, he would give them his determined opposition.

Sir *S. Romilly* could not suffer the House to separate, without noticing a most extraordinary expression which had fallen from his right hon. friend the Chancellor of the Exchequer. In alluding to lords Grey and Grenville, he had stated, that they had done nothing on the Catholic question during their administration, further than "inserting a little something in the Mutiny Bill." Now he (sir Samuel) recollected, that at the time of the introduction, this "little something" was represented by his right hon. friend as a matter of such tremendous importance, that he noticed it in his public address to his constituents, and added that the King would make a stand for the constitution, and that he would rally round his sovereign on that occasion. This was so important a fact, that he could not avoid noticing it now, for his right hon. friend, to serve his own purpose then, took occasion to make that public statement, which his followers re-echoed, and which had nearly raised a war of religion in the country. (Hear, hear!)

The *Chancellor of the Exchequer* was desirous of setting right one of the most extraordinary misrepresentations which he had ever heard, the more extraordinary, as coming from a person so capable of understanding every thing that could pass. He had certainly made use of the precise words imputed to him; but had he stopped there? Had he not said that the "little something" was introduced upon such arguments and principles, that, to any persons possessing any thing like wisdom or the qualities of statesmen, must evidently appear to encourage hopes beyond that proposition, and that it was the first step which might lead to the most dangerous consequences? The noise in the House might have prevented his hon. and learned friend from hearing distinctly, for he was sure that his hon. and learned friend could not have intended knowingly to have misrepresented him.

After a short reply from sir T. Turton the House divided:

Ayes	136
Noes	209
Majority against the Motion	73

List of the Minority.

Abercromby, hon. J.	Gower, lord
Adair, R.	Gower, lord G. L.
Althorpe, lord	Halsey, Jos.
Anson, gen.	Hamilton, lord A.
Aubrey, sir J.	Hanbury, Wm.
Aubyn, sir J. St.	Herbert, hon. W.
Binning, lord	Hibbert, G.
Baring, sir T.	Hippesley, sir J. C.
Baring, A.	Howard, hon. W.
Bennett, H. A.	Howard, H.
Bennet, hon. H.	Howarth, H.
Biddulph, R. M.	Horner, F.
Bernard, Scrope	Hutchinson, hn. C. H.
Blachford, B. P.	Huskisson, W.
Brougham, H.	Hussey, T.
Brown, A.	Jackson, J.
Browne, rt. hon. D.	Jolliffe, H.
Burdett, Sir F.	Kemp, T.
Busk, W.	Knight, R.
Byng, G.	Knox, hon. J.
Calcraft, J.	Lamb, hon. W
Cavendish, H.	Latouche, R.
Canning, rt. hon. G.	Lemon, sir W.
Canning, G.	Lemon, J.
Coke, T. W.	Lemon, C.
Colborne, R.	Leech, J.
Combe, H. C.	Lloyd, J. M.
Cuthbert, J. R.	Lyttleton, hon. H.
Dent, J.	Macdonald, J.
Dickinson, W.	Madocks, W.
Dillon, hon. H.	Mathew, hon. M.
Duncannon, lord	Martin, H.
Dundas, hon. C.	Mills, W.
Eden, hon. G.	Milton, lord
Ellis, C. R.	Moore, P.
Ferguson, gen.	Morpeth, lord
Fitzroy, lord W.	Morris, E.
Fitzpatrick, hon. R.	Mosley, sir O.
Fitzgerald, lord H.	Myers, J.
Frankland, W.	Montgomery, sir H.
Fremantle, W. H.	Neville, hon. H.
Foley, T.	North, D.
Fulkestone, lord	Orde, W.
Grattan, rt. hon. H.	Osborne, lord F.
Giles, D.	Ossulstone, lord
Greenhill, R.	Parnell, H.
Greenough, G. B.	Pelham, hon. G.
Grenfell, P.	Piggott, sir A.
Grenville, lord G.	Prendergast, M.
Guise, sir W.	Prittie, hon. F.

Digitized by Google

Pollington, lord
Ponsonby, hon. G.
Ponsonby, hon. F.
Power, R.
Pym, F.
Ridley, sir M. W.
Romilly, sir S.
Simpson, hon. J. B.
Sharp, R.
Smith, Wm.
Smith, J.
Smith, J.
Smith, S.
Smith, Abel
Spiers, A.
Stanley, lord
Scudamore, R. P.
Tarleton, gen.
Tavistock, lord
Taylor, M. A.
Tierney, rt. hon. G.
Tighe, W.
Temple, earl
Tracey, Hanbury
Templetown, lord
Turton, sir T.
Walpole, hon. G.
Ward, hon. J.
Western, C.
Whitbread, S.
Winnington, sir T.
Wilkins, W.
Williams, O.
Wynne, sir W. W.
Wynne, C. W.
Wrottesley, H.
Vernon, G. G. V.

HOUSE OF LORDS.

Friday, February 28.

ORDERS IN COUNCIL.] The order of the day upon which their lordships were summoned, having been read,

The Marquis of *Lansdowne* said he rose in pursuance of his notice to call the attention of their lordships to the Orders in Council, and to the system of policy which had resulted from those Orders so injurious to the manufacturing and commercial interests of the country, and to the welfare of the state. Had his only motives been to contradict statements made by noble lords, on the other side, of beneficial effects produced by these Orders, he should have delayed his motion until petitions (as they undoubtedly would) had flowed in from all the manufacturing districts of the country, proving in the strongest terms the injurious consequences of those Orders. He, however, did not wish to wait for these petitions, but rather to call their lordships' attention to the subject now, in the hope that they would see the necessity of most seriously considering the state of our commerce and manufactures under the operation of those Orders, while yet they could proceed with deliberate dignity, and ere the subject was forced on their attention in a way less congenial to their wishes, by the loud complaints and addresses of the unfortunate victims of such a system of measures. It was, perhaps, a vain hope, that any thing he could say would have the effect of inducing an abandonment of that pernicious system of policy involved in the operation of the Orders in Council. Yet he trusted their lordships would not refuse to take into consideration a subject involving so many points of the utmost importance to the country. Previous to entering upon the discussion, it would be of importance to state what the Orders in Council were, to which he referred, and first it would be worth while to observe, that with respect to the blockade in May, 1806 (from the Elbe to Brest), it was intended to be a real blockade, and a force was ordered for that purpose, but that was now at an end, being merged in the Orders in Council. With respect also to the Order in Council, in January, 1807, prohibiting the trade from enemy's port to enemy's port, the object of it was now at an end, in consequence of the annexation of Hamburgh and Holland to France. The Orders in Council, therefore, to which it was his object to call the attention of their lordships, were those issued in November, 1807, prohibiting the trade to France, and the countries dependent upon her, at the same time, insisting on American vessels coming first to our ports, and paying a tax there; and also the order of April, 1809, partly revoking the former Orders, by opening the trade with the north of Europe. It was his intention to consider these Orders, first with respect to their operation on the enemy, whose power and resources they were intended materially to injure, if not altogether to crush and destroy; secondly, their operation on the neutral, whose rights and advantages they were not designed directly to interfere with; thirdly, their effect on the commerce and internal resources of the country which they were intended to foster; and fourthly, their effect on the maritime policy of the country, which ministers had loudly proclaimed their resolution to adhere to with even more strictness than at any former period. With respect to the term maritime policy, he would first observe, that if he conceded the maritime rights as maritime rights, that it never had been, nor could be considered good policy to insist on the extreme of maritime right. On the contrary it had ever been held the soundest policy to relax those maritime rights upon occasions, and under circumstances, where the interests of the country called for it. Upon the effect of these Orders upon the enemy and the neutral it would not be necessary for him to say much. On the first branch he should touch but shortly, because he conceived it to be incumbent on those who had recommended the measure, and boasted of

Digitized by Google

its efficacy in this respect, to shew that it had really made a strong impression on the political situation of the enemy: on the second branch he would touch but shortly, because, in the present state of the negociations with America, to go into that subject at any length might possibly be attended with inconvenience. As to the effect upon the enemy, it was for those who promulgated these Orders, and still continued to uphold them, to say what effect had been produced by them upon the political situation of the enemy. He was entitled to ask of those noble lords in what point the political situation of the enemy had been deteriorated by the operation of these Orders, in what instances his efforts had been diminished by their effect. Ministers themselves, indeed, not longer than eighteen months after issuing the original Orders by which the continent was to be coerced, appeared to be satisfied that they operated injuriously, by their partly revoking them, and by the Order of April 1809, opening the trade with the north of Europe. And it ought to be stedfastly kept in view, that the largest portion of what now remained of our commerce was actually carried on with the north of Europe. Thus it was seen that in the quarter where the Orders in Council did not operate, there was the greatest portion of our commerce, whilst in every other quarter our commerce was languishing and fast decaying. With respect to the operation of these Orders upon the neutral, he would ask where was the justice or the policy of prohibiting the trade of America with France under the circumstances in which these Orders were carried into effect? Whilst a vessel from Kniphausen or any other little dependent state, was allowed to carry on a trade with the enemy, an American vessel, in precisely the same situation, was captured by our cruizers. Could it be considered for a moment as consistent with any idea of justice, that our cruizers were to say to a Kniphausen vessel going to a French port, you may go in and continue to carry on your trade; but to an American, engaged in precisely the same trade, you must not enter a French port, and we must capture you for attempting it? Was it the object of those who promulgated and supported these Orders, for the sake of putting an end to the trade between America and France, which did not at the time of issuing the Orders, amount to more than 500,000*l.* to destroy the trade between America and this country, which took off our manufactures to the amount of 12,000,000*l.*? Was it a matter of triumph to those who had issued these Orders, that they had forced America to turn its attention from agriculture to manufacturing industry, and thereby to lessen more and more every day the prospect of advantage to our manufactures from a renewal of the intercourse? Yet such had been the fact, and the Americans were making a rapid progress in the manufactory of cotton and woollen articles, the very staples of our own manufactures. No less than 100,000 bales of cotton were imported in the last year into the eastern states of America, and they had made a large exportation of cotton twist to the Baltic; of the coarser articles of woollen they had also manufactured considerable quantities, and their manufactories promised a sufficient supply of articles of clothing. If, at the time of the revolution in America, any one could have foreseen that the whole commerce of continental Europe would have fallen under the iron grasp and dominion of France, they would have looked to the establishment of an independent state on the other side of the Atlantic, independent of French dominion, and out of the reach of her power, to become the carrier of our commerce, and by the profits arising from that, increasing our manufactures by the increased consumption of our increasing population; they would have looked to such an event as the greatest boon that could have been given to us.—Yet such an event had occurred, as if providentially. This independent state existed on the other side of the Atlantic, and would have carried our commerce, and taken our manufactures, every year; their profits, from that carrying trade, enabling them to purchase a still larger quantity of our manufactures, thereby increasing our own internal prosperity, and this great and inestimable advantage had been destroyed by the Orders in Council! The effect, therefore, of these Orders upon the neutral, and the injurious consequences upon this head to ourselves, were too apparent. What operation they had had in distressing the enemy, he was yet to learn. He did not ask what had been their effect in the prices or consumption of the coffee-houses at Paris, or on the medicines in the French hospitals, though these circumstances had been gravely urged in their support; but what

Digitized by Google

effect they had had upon the political situation of the enemy, during upwards of four years in which they had been tried? Was it the object of the Orders to prevent the colonial produce of the enemy from reaching his ports? Where was now to be found the colonial produce of the enemy, or where were his colonies from whence that produce could come? Our own warehouses, unfortunately, were bursting with colonial produce, which could not find a market; and thus, instead of distressing the enemy, we were distressing ourselves. The effect of the Orders upon our exports was apparent, from the papers on the table.—He was aware of the difficulty of estimating our exports, because the value given to them here was to be compared with their value in the currency of the countries to which they were sent. With respect also to the official value, that was frequently a nominal value, given by those exporting on entering the goods, before they knew what the real value would be. The investigation of the first point would lead him into a discussion of too great a length to be allowed upon this question on an incidental part of it, and therefore he would not dwell upon it. It appeared, however, from the returns, that our exports of British and colonial produce, which in 1808 were 43,000,000*l.* were in 1809 36,000,000*l.* in 1810 35,000,000*l.* and in the three quarters ending the 10th of October, 1811, (the account to the 5th of January, 1812, not being yet made up) they were only 22,000,000*l.* Combining these exports with the export of foreign produce, it appeared that the defalcation in our commerce amounted to no less than 16,000,000*l.* Such were the effects of the Orders in Council. Upon the manufactures of the country their operawas in the highest degree distressing. He was aware that it would not be proper, and that it was a very delicate subject, to go into a detail upon this point; but the general distress of our manufacturers was undoubted, and the increased number of bankruptcies fully proved the wretched state of our trade and manufactures. One of the greatest evils to which these Orders had given rise, had been the system of licences. Nothing, at the same time, could more clearly prove that those who issued these Orders found they could not be maintained, than their departing from them in the manner they had done, by granting licences to carry on that very trade which their own Orders prohibited. Licences had increased to a most unparalleled extent, and with them a system of immorality, of fraud and perjury, which pervaded the whole trade of the country; and to which it was impossible for their lordships to shut their eyes. Under this system of licences the greatest abuses prevailed. He did not mean to charge the noble lord at the head of the Board of Trade, or any person at the board, with abuse in the discharge of his duties, but the abuse was inseparable from the extent of the system. He was aware that the power of granting commercial licences must be vested in government to a certain extent; but here a system had sprung up under which the number of licences had increased from 4,000 to 16,000. From such an extensive system, abuse was inseparable. An instance had recently occurred, and he was authorised to state it, where a merchant would have given 15,000*l.* for two licences for the importation of brandy. It turned out that the licences were so filled up by the mistake of a clerk. He did not mean to impute any blame to the noble lord at the head of the board, because it was quite impossible that that noble lord could look to the contents of 16,000 licences, but surely the system itself was wrong, when, by the mere mistake of a clerk, a difference could be made to a merchant of 15,000*l.* Such a power, which in its very nature was so liable to be abused, ought not to be entrusted to any government. It was a system besides, which led to an habitual disregard of morality and honour in the concerns of trade. It had been well observed by the learned judge who presided in the high court of Admiralty, that the whole system of the commerce of the country, was one of simulation and dissimulation, and that our commerce crept along the shores of the enemy in darkness and silence, waiting for an opportunity of carrying the simulative means by which it was endeavoured to be supported into effect. Most injurious was the effect which this conduct towards neutrals had upon our prize courts, whose decisions had once been so highly respected all over the civilized world. An eminent and rising civilian (Dr. Phillimore) had said in a late publication, that it was now as much the habit of our prize courts to restore enemy's property, as it was before to condemn it; and, that it was as much a matter of course to confiscate neutral property, as it was

Digitized by Google

before to restore it. Such was the picture of our prize courts under the present system: such the effect of the Orders in Council on the neutral! Not merely was this system of licenced commerce carried on by means of simulated papers and every species of dissimulation, but it led to private violations of morality and honour of the most alarming description. He knew an instance in which a merchant made false entries in his books with respect to a cargo on board a vessel under licence; and this fraud, which formerly would have been the ruin of him and his connection, was treated by the learned judge who presided in the high Court of Admiralty as an instance of sub-simulation, forming a part of the system of simulation by which the whole commerce of the country was maintained. What a contrast was here to the old English method of carrying on trade! Such were the effects to which this baneful system led; not the least evil attendant upon which was the preference given to the merchants of London over those of the outports. The merchants at the outports were unable to follow the continual variations of the Board of Trade like those of London; and this was another proof of the badness of the system.—To whom, however, were these licences frequently granted? To foreigners, with foreign vessels, manned by foreign crews, to import the produce of the enemy. What then were we doing by this system? Contributing to the profit of the enemy, to the building of vessels for him, and to furnish seamen for him, to enable him at some future period to invade this country. Was it then the *resumé* of the policy of ministers to destroy the trade of America and benefit that of the enemy? Were we, instead of annihilating the navy of the enemy, to furnish him with seamen to man it? What was thus the effect of those Orders, but destroying the trade of America and alienating her disposition, although it was pretended that these Orders were to benefit the neutral, whilst they benefited the trade and aided the resources of the enemy, which it was pretended they would destroy and annihilate? Let the ministers pause long before they forced America to war. Was it any ground for triumph that a war would distress America? Undoubtedly it would, but should we not in the sequel be deeply distressed by the consequences of such a war? Suppose that by unexpected successes we should sweep the American commerce from the surface of the ocean, would not their 140,000 seamen man a predatory force of 2 millions of shipping tonnage against the commerce of this country? He trusted that means would yet be sought to avert the interminable evil of a war with America, although he admitted that if the great interests of the country were at stake, war could not be avoided. Had we, however, allowed their carrying trade, instead of attempting to destroy it by the Orders in Council, the profits of it would have been brought back to the parent stock, increasing and benefiting our manufactures and resources; and the harmony between the two countries would have led to the most beneficial results. He would not now contend that we had gone too far in our demands to America in asking her to require freedom for her trade in the ports of France, but he would say, that the best chance for the restoration of amity with that country, so highly to be desired, was the repeal of the Orders in Council. That the repeal of those Orders was now in every point of view called for, he trusted was rendered abundantly evident; every plea on which they had been founded was proved, after an experience of upwards of four years, to be erroneous. It had been stated that their object was to press upon the enemy, and to destroy his trade and resources; whereas it had been proved that they had benefited the enemy and added to his navigation. Instead of conciliating the neutral, they had exasperated and irritated her.—Instead of benefiting our commerce, manufactures, and resources, they had diminished our commerce, distressed our manufactures, and lessened our resources; and, instead of upholding our maritime superiority, they had added to the navigation of foreigners. National pride and national honour might be urged, but how were national pride and national honour, by the system of simulation, of fraud, and dissimulation, under which our commerce was carried on, to be upheld? Our maritime superiority, it was shewn, was not only not supported by these Orders, but they were proved to be operating directly contrary to the principles on which it must rest for support. His lordship then adverted to the account on the table, shewing the number of licences granted to British and foreign ships, by which it appeared that the number granted to foreign vessels had increased from 2,000 to 6,000, and observed, that this clearly proved the baneful effects of the Orders in Council, in

Digitized by Google

operating against our own navigation, and maritime superiority. The noble marquis earnestly recommended the resumption of our ancient policy, and concluded by moving, "For the appointment of a Select Committee to take into consideration the present state of the Commerce and Manufactures of the country, particularly with reference to the effects of the Orders in Council and the Licence Trade."

Earl *Bathurst* regretted that the noble marquis should have thought it necessary, in the latter part of his speech, to touch on our relations with America. It was not his intention to follow the noble marquis over that portion of his subject, for it was obvious that the discussion was unsuited to the time, that the subject could be cleared only by going into the whole statement of our transactions with America, and that this could not be done with propriety while the hope, little as it was, of conciliation remained. He had asked of the noble marquis, when he declared his intention of moving for the repeal of the Orders in Council, whether he was prepared to move for the repeal of all or one; and if one, which was that one. The noble marquis was not prepared at the time with any answer; but at this he did not feel peculiarly surprised. It was true, that if, on any other occasion, any noble lord were to rise, stigmatise a law as unfit to remain on the books, and declare his determination to move for its erasure, he should be a little surprised, that such noble lord was not prepared to say against what particular law he felt so much indignation. But in the present case there was much difference. The words Orders in Council had absolutely become a mere cant; they were used in general without a distinct idea; they were involved in a confusion from which he was not surprised that even the noble marquis had not been able to escape. (Hear.) He really meant this with all respect for that noble marquis, whose speech shewed his abilities; and whose temperance, moderation, and decency of language on a subject where youth, passion, and peculiar situation made temperance so uncommon and so praise-worthy, deserved a higher tribute than it was in his ability to give. He was at a loss, however, to know precisely which were the Orders that the noble lord was desirous to have repealed. The noble marquis had declared at length, that the Orders of 1807 were not the object of his animadversion, as a ground might have at the time existed for them, but that the nature of those Orders was now changed with the situation of things; for Holland, which was then separate, was now united to France. It was not easy to understand this reasoning; but the answer seemed plain. The principle of the Orders of 1807 was precisely that of those which were to be reprobated this night. They absolutely went to proscribe commerce with every port that was under French influence. The Orders of 1807 were not of that preposterous nature which had been so liberally ascribed to them. They proceeded upon the authorized principle of not suffering the neutral to enjoy that trade to an enemy's ports in war, which that enemy would not allow him in time of peace. But in those cases where the neutral was allowed to visit a port in peace, provision was made by those Orders for his enjoying success in war. Were this Order not to be repealed, not a step would the country advance towards conciliation with America. The United States demanded the repeal of that Order of January, 1807, just as loudly as of those which followed in November. The blockade under that Order was complained of by America in common with the other points. Without that repeal, the commerce of this country must remain under the system of American exclusion, and to the disabilities of the Non Importation act. However, it was a matter of serious consideration in what state the trade of Great Britain and of Ireland would be placed, were both the Orders to be repealed. As to the licence system, to carry on any trade with an enemy's port, his Majesty's licence was necessary. Of course, if our trade with the enemy increased, the number of licences must increase. If the whole coast of Europe had been put into the situation of an enemy's coast, the whole trade with the continent must be a licence trade carried on through the neutral trader. It had been said, that those licences grew with the growth of the Orders in Council; but if this had been the case, the great bulk of the licences would have been for ports under blockade. The fact was the direct contrary: the few ports not under blockade were those for which the great majority of applications had been made. He would ask therefore how the Orders in Council could be said to have produced the increased number of those licences? Repeal the Orders in Council to-morrow, and the licenses would be scarcely diminished. As to the injury with which this system threatened our ne-

Digitized by Google

vigation, it was plain that if we traded with the enemy, our trade must be carried on with foreign ships, and in a great measure with foreign seamen: our own would be captured. Where the commerce went direct to a hostile port, there must be a diminution of British ships and sailors; but this was a consequence which was not to be avoided, except by relinquishing the trade. He differed from the noble marquis in his idea, that no adequate or satisfactory accounts were to be collected from the generality of commercial documents laid before parliament. The accounts presented that day afforded much satisfactory illustration. To the general diminution of our trade, the best answer would be a return which he held in his hand. This return, reckoning every voyage as a new ship and crew, gave us as the number of seamen that left our ports in 1806, at a time the North was open, the total of 183,476. But in 1810, when we were excluded from Denmark, and the ports of the Baltic were chiefly under what was called the continental system, the number of seamen was 210,600, an increase of more than 27,000, in the face of the continental system, and even of the Orders in Council. The noble marquis had dilated on the importance of employing American ships in the carrying trade to the Baltic, and seemed to think, that the licences were granted to other carriers in preference. But, in fact, many of those licences were given to Americans, though against them, the suspicion in a foreign port was unfortunately almost as strong as the hostility was against our own ships. In consequence of this suspicion, merchants preferred other foreign ships to American, as being more fitted for their purposes. Was the noble marquis prepared to say that we should refuse all licences to foreign trade, or that if we were not permitted to carry it on in American ships, we should refuse to carry it on at all? On this point, however, the present administration had the less chance of going astray, as they fortunately had the sanction of that which went before them. The present government could not be charged with an original partiality for the foreign merchant, when the liberal system was remembered which extended itself so widely to all denominations.—Oldenburghers, Hamburghers, Knyphauseners, and the whole tribe of neutrals. [Lord Bathurst then read a licence granted by the late administration for carrying on the neutral trade.] The ships that sailed under those licences were the property of foreigners, and, like the later ones on which the noble marquis had enlarged so much, manned by Dutchmen, equally with any others within the grasp of France.

The immortality of the licence trade was another topic which had been much insisted on; and great indignation had been expressed at some of the terms which were to be found in all licences, especially that part of them which secured to a vessel the privilege of going to such and such ports, notwithstanding all documents accompanying her, which might testify a contrary destination. These expressions, it had been stated, were the source of all those frauds, of all that system of deliberate delusion which was now so extensively practised in our mercantile concerns. We allowed British merchants to avail themselves of false clearances, and the right of pretending to go to a port whither it was not their intention to go. These charges might be briefly answered. When the Berlin and Milan decrees were issued, an alarm seized the merchants, applications on the subject were made to the Board of Trade, and it was determined by the board, taking into consideration the state of the commerce of the country and the apprehensions then entertained that the decrees would be rigidly followed up, to allow foreign produce to be protected, provided it was finally to find its way into an English port. For this protection it was formerly necessary that the property should be neutral or British; but by an Order in Council issued on the subject, foreign property was allowed the privilege. The board also looked to the embarrassment of our export trade, in consequence of the French decrees; and here, too, determined, that whatever was British property might be secure, no matter what kind of papers the vessel carried. But by whom was this done? By whom was this alarming inlet to immorality opened? By the late administration. If the noble lords opposite wished to know the authors of this guilty system,—if the noble baron (Grenville), who had been at the head of the Treasury,—if the noble earl (Grey), who had been Secretary for Foreign Affairs,—if the noble marquis, the mover of the present question, who had been Chancellor of the Exchequer, desired particularly to know the inventor of the system, he believed he could have the honour of giving them the intelligence. And when was

Digitized by Google

it adopted? When the continental system was not yet enforced in the North, nor in Spain: the ministry of the day, in their alarm, had originated the individual measure which they now thought so degrading and dangerous to the morals of the nation. Was it extraordinary, that under increased difficulties, the present ministry should have recourse to the same means? The system upon which they acted was to reduce France to this extremity, either that she should injure herself by a rigid adherence to her decrees, or benefit us by any relaxation in the course she had marked out for her commercial policy. The evils of the Non-Intercourse Act had been charged with equal justice on the Orders in Council of November, 1807, or rather of 1809: but what was the language of those Orders? France by her decrees had resolved to abolish all trade with England. England said in return, that France should then have no trade but with England. The object in those Orders was distinctly to force France to feel the injury of her own policy by the ruin of her manufactures and trade, compelling her by this means to relax her ordinances, and putting ourselves in a position to benefit by the relaxation. What inconsistency was there then in granting licences for the trade with France? We had gained, in consequence, all that we should have lost, but for those Orders in Council, and we had gained all that France would have gained but for them. The effect of those Orders was to impoverish their manufactures, to restrain their commerce, to depress their resources, to diminish their revenue. (Hear, hear, from the marquis of Lansdowne!) Yes, to diminish their revenue, and notwithstanding some accidental augmentations of their revenue, the ultimate effect had been considerably to diminish it. The truth of this statement might be ascertained by inspecting accounts that were accessible. The noble marquis spoke as if France had been no sufferer: but it was certain that she had suffered, and largely suffered. On this subject he would quote from an authority not likely to exaggerate the evils of French finance. From the statements in the Moniteur, it appeared that the customs, which previously to the Orders of 1809 were seventy millions of livres, fell in that year to sixteen. In 1810, they amounted to 26, from the peculiar circumstances of the seizures and captures in the Baltic, which, when brought into France, paid heavy duties, and thus incidentally swelled the customs of the year. The cotton manufactures in France were in the lowest state: we had cut off the chief transit of the material; and they could not now get any except from Turkey, a coarse and rude material. Let the Orders of 1809 be repealed, and they might have cotton from America in any quantity they pleased. Let the Orders in Council of 1809 be repealed, the ports of France would be at once opened to the whole trade of America, those ports from which every article of British produce was excluded. France was dependant upon America for raw materials, which she was now forced to receive circuitously by this country or by Turkey, but which she could receive direct if this Order in Council was repealed, while we should lose part of that trade we were now carrying on. If the Order in Council of 1807 was to be repealed, and it must be repealed to conciliate America, France would then be permitted to carry on a trade with every part of the world. With regard to those Orders in Council, however, the noble lord said, that every one must acknowledge they had failed. And how did he prove it? He took a paper, lying on their table, and from that he proved, that in the last three quarters there had been a deficiency, inferred that there would of course be the same deficiency in the next quarter, and then told us that all these deficiencies were to be attributed to the Orders in Council. One thing was certain, the Orders in Council were not a matter of yesterday; they had been for several years at work; and in the last three years, the average excess of the trade above that of any preceding year was eight millions; a sum, according to the treatise of a noble lord (Lauderdale) greater than all the trade of Flanders and Germany in time of peace. It should be remembered also, that when in 1810 the state of the country was considered in that House, the noble marquis affirmed, that our whole prosperity was to be attributed to the Order in Council of 1807, which he considered as a virtual repeal of that of 1805, and now he had told us that all our distresses, all our commercial embarrassments, were to be ascribed to the same Orders in Council. But the trade to the Baltic was said to be prosperous, because the Orders were not applied to that trade. It was true that by the Orders of 1809, the trade to that quarter was considerably opened; but it was erroneous to say, that the Orders

Digitized by Google

did not in a certain degree extend to that as well as others. In fact, the Orders did prohibit the trade from Denmark, from Germany, from Italy, from all countries where the British flag was not allowed. But was it to be a principle, that if you could not entirely restrain the trade of an enemy, you were to take off all restraint; or that, if you could only relieve yourself in part, you were not to relieve yourself at all? But the system of licences came under the heavier charge of introducing a spirit of immorality into the trading part of the nation.—Were they to put restraints on the freedom of British commerce, for the simple purpose of giving the trade of Europe to the Americans? Or, if they were, what was to be the saving? Instead of increasing this spirit of perjury, the effect of the licence system was precisely the reverse. Was it the intention of those who opposed that measure, that we should abandon the whole trade of the continent? This they surely could not mean. But it had been said, why not employ America? What! A trade which was described as not fit for a British merchant to be concerned in, to be transferred to a neutral, as if that neutral were only in its proper vocation when carrying it on! This was the inference that might be drawn; but the whole matter simply amounted to the question, whether the trade should be allowed, or whether it should be wholly abolished. If we refused to grant a licence to a British subject, he would carry it on under the cover of an alien, and, in fact, therefore, we only permitted him to do that openly, which he would surely do clandestinely, and necessarily with aggravated circumstances of fraud and dissimulation: we only allowed him to do that legally, which he would be under the necessity of doing illegally, adding perjury to deception, and multiplying every species of trick and artifice to escape detection. It was formerly asserted by the opponents of the Orders, that we must lose the whole export that went to America. It was replied, that America did not import the entire for her own consumption; and that when she ceased to carry, we might send direct. The case turned out so. In the year 1805, the exports were, perhaps, highest; and the goods supplied to North America were afterwards re-shipped by them for South America. If, therefore, we were prevented from transmitting them by that circuitous route, we had it in our power, in case of a Non-Intercourse act being passed, to send them direct to South America ourselves. Although it might be urged that the markets of that vast continent had been glutted, yet by comparing the exports of the three last years with the exports of the three years preceding, it would be found that there were ten millions in favour of the former; and the exports to Canada had been nearly doubled during the latter period. (In estimating these increases he took the official value as being the fixed one; not the real value, which was constantly fluctuating.) He begged the House to recollect, that between the 1st of March, 1809, and the 1st of May, 1810, with the interruption of only two months, the embargo in the ports of the United States was in force; and yet, in that space, the trade of the country was carried on with greater success than at any other that could be pointed out. In the succeeding year, the embargo was removed; and it was then that the greatest commercial embarrassment was experienced. For this distress, of which so much use had been made, two causes might be assigned, totally distinct from the operation of the Orders in Council. —1. The disappointment experienced in the Baltic trade, during the year 1810, when immense shipments were improvidently made, in consequence of great success during the year preceding. In 1809 it happened that the trade with the northern powers was very profitable; but few had adopted the continental system, and by those few it was too negligently enforced to offer much impediment to trade. Our merchants in 1810 embarked largely in the traffic. Unfortunately, the convoy was stopped in Wingo Sound by contrary winds until the middle of June; the French in the mean time seized on Stralsund, and enforced the continental system in the chief Baltic ports. The trade, amounting by that time to above six hundred vessels, though fully warned of the change of affairs, ventured into the Baltic, and was for the greater part seized and condemned in the ports where it had gone for a market. The value of this convoy could not have been much less than eight or nine millions, which would have escaped but for the circumstance of the wind. The second cause of the embarrassment, was the immense speculations sent to South America, the markets of which had been so much overstocked, that the shippers in England were disap-

Digitized by Google

pointed of their remittances, and thereby many most opulent merchants were ruined. Although, however, this last cause had created a severe blow, he was happy to say that its effects were but temporary: the trade in South America was fast reviving—remittances long withheld were now pouring in—and the effect was the revival of many of our manufactures. In consequence of the judicious issue of Exchequer Bills in the spring of 1811 for the support of commercial credit, manufacturers in the country were enabled to keep goods on hand, which they must otherwise have sold at a great loss, and to retain workmen which they could otherwise have had no means of paying. Although it had been predicted that those very bills would be fatal to the country; the benefits arising from this politic measure were now fully experienced and acknowledged; and the manufacturers were now disposing of their stock to considerable advantage. Such being the favourable prospect which had opened upon us after the gloomy clouds of disappointment had been dispelled, he could not concede to the proposition submitted to the House. The noble earl concluded his speech by regretting the time which he had been obliged to occupy, and deprecating any thing like putting his own powers in competition with the abilities of the noble marquis whom he had thought it his duty to answer.

Lord *Holland* said, that he did not mean to follow the noble earl into the long details which he had so clearly and perspicuously explained to their lordships, and for which he had no occasion whatever to make any apology to the House. If he were even disposed to enter into those details, he should be prevented by the want of that accurate official knowledge upon such subjects, which the noble earl, from the situation which he held, must in a very eminent degree possess. Whilst, however, he declined expatiating upon the numerous points embraced in the speech of the noble earl, he felt it would be doing an acceptable thing to their lordships to bring back their attention to the actual motion under consideration, for the appointment of a committee, namely, to inquire into the state of the trade of the country, with reference to the Orders in Council, and to the system of Licences which had grown out of them. The arguments used by the noble earl, in opposition to this motion, appeared to him to be founded in fallacy and involved in contradictions. The noble earl had thought proper to state, that when his noble friend and relative near him had given notice of this motion, he did not know to which of the Orders in Council it applied; but when their lordships considered the obscurity and complexity of the whole system, which consisted of not less than twenty-four Orders in Council, they must feel sensible of the propriety of instituting an inquiry into the whole subject. His noble friend, in an address, which displayed his usual eloquence and ability, had called upon the House to enter into an examination of the grounds of the whole system; he had cautiously, judiciously, temperately, and wisely dismissed from the discussion, every consideration of a personal nature—every view of the subject which might have the effect of giving his motion the appearance of establishing any contrast between the measures of this administration and the preceding. He was induced to adopt this course, not because he was prepared to shrink from the comparison, but because the trade of the country had been reduced to a situation which called for the inquiry which his noble friend proposed. This condition of our trade, in his opinion, had been produced by the Orders in Council solely; no matter by what administration they had been issued; and as the object of his noble friend was to remedy the evil that existed, he did not feel it necessary to examine minutely which of the Orders in Council had particularly produced the mischief. Upon the case made out, their lordships were bound to inquire. The noble earl had stated, that on this occasion he should not think it right to go into any inquiry respecting the state of our relations with America. He had fortunately, perhaps not strictly kept his promise, for although undoubtedly while important negociations were pending with that power, it would not be advisable to enter very minutely into a discussion of the circumstances of that negociation; yet surely, though such a particular consideration of the question might not be expedient, it was impossible to discuss a subject which might have the effect of embroiling this country with the united states of America, without touching upon some of the circumstances of their existing relations. The noble earl had contended, that the Order of the 7th of January, 1807, was as much complained of by the Americans as any of the other

Digitized by Google

Orders in Council, and enquired whether his noble friend wished that Order to be repealed. His wish was, to inquire into the effect of that Order in Council as well as of the others, and the bent of his mind was, that it ought to be repealed; but whether it affected the trade of this country or not, would be ascertained in the event of the adoption of the motion of his noble friend to appoint a committee to inquire into its operation. If it were found injurious, whether affecting the morality or the interests of trade, let it be rescinded. "But," said the noble earl, "it is rather singular that that Order which involves the principle of all the others, should have been obtained by the administration with which the noble mover was connected." Why did we see this constant attempt to resolve matters affecting the existence of the country into questions of personal responsibility? At the time when that order had been issued, it had been the subject of motions in that House, and of protests, strong protests against its inefficacy, entered upon their lordships' Journals, and signed by members of their lordships' House. The truth was, that the Order of 1807 was a vigorous measure, and would have been followed up with vigour; but that it involved the principle of the subsequent Orders in Council, was disproved by the fact, that Mr. Perceval had moved in another place for the paper, objecting to it that it was only a common war measure, and was not founded, as it ought to be, upon a system of retaliation.—He entered into these topics with pain and reluctance, but as the noble earl had thought proper to introduce them, he felt it impossible to pass them over without observation. It was degrading to their lordships—it was disgusting to the public at large—it was disgraceful to the legislature, that measures which affected the best interests of the country should be discussed, not upon their own grounds or merits, but as questions of consistency or inconsistency on the part of this or of that administration. The noble earl had likewise argued that his noble friends, in resorting to that Order of January 1807, had not foreseen the consequences that would follow from its operation. That might be. The dreadful effects which his noble friend had displayed with so much force, might have been produced by that Order in Council—and if they were, he was confident that his friends with whom it had originated, would be the first to recommend and support its repeal. If they had foreseen any detriment that would result from it, much less if they could have imagined that a war between Great Britain and the United States (or rather a condition of amicable hostility, a state between peace and war, but worse than actual aggression,) would have been produced by it, motives of policy would have induced them not to have recommended it then, and the same motives would actuate them to support its abrogation now. (Hear, hear!) The state of the commercial community was, at the period at which the Order of 1807 was issued, a state of alarm and apprehension, and it was not to be supposed that those who were consulted and who advised that measure could at once see all the consequences it might possibly lead to. It would have been impossible for the authors of the measure to have issued that Order in Council, if they had foreseen that it would have involved all the effects which had since been produced by the Orders in Council. Still, however, the noble earl contended that the Americans viewed this Order as a matter directly affecting their rights. That might be very true, but it was not possible that they could feel equally with respect to the Order in Council of 1807 and to the Orders of 1809. The Americans were a wise people, and this country might take a lesson of sound policy and prudence from them. They would be satisfied to remonstrate upon a mere question of right, which did not immediately or materially affect their interests, and he verily believed they would still be satisfied with a bare remonstrance against this Order, if the other Orders in Council were to be repealed. That people knew how wisely to regulate their concerns and interests; they would rather submit to an inoffensive infringement of a bare right, than drive a national difference to extremity.—As to the immorality of the trade by Licences, he would freely confess that he was not prepared to go the length of the opinions which had been held in other places upon that subject: yet, whilst he would admit that it might be expedient, by licences in certain cases, to obviate the effects of a sudden unexpected pressure upon commerce, he could not approve of the extent to which the system of licences had been carried. Was there not a most material difference between the grant of licences in particular cases, such as he had alluded to, and the attempt to force the whole trade

Digitized by Google

of the country into a channel, in which, to use the words of a learned judge, it must be carried on by "simulation and dissimulation." "But," said the noble earl, "if the English merchants were not to carry on this trade, the Americans would," as if the Americans had no honour, and were prepared for any immorality in the pursuit of commercial profit. In discussing the value of the trade with America, the noble earl had stated that much the greater part of the exports from this country to the United States was not for consumption in that country, but for transmission by a circuitous route to France.—[No! to South America, observed earl Bathurst.] —Well, that would not alter the argument, as the greater part was to be carried by this circuitous route to some place external to the United States; and as the supply of South America had now devolved upon this country, the noble earl argued that we had lost nothing by the operation of the Orders in Council, or by the state of our relations with America, which was the consequence of them. The fact was—as had been incautiously admitted—that the South American exports had been before sent by a circuitous route through the United States, and ought not to be separated.—Next the noble earl renewed his recriminations, and asserted that during lord Grenville's administration, in particular instances, licences were granted even to French vessels, thus giving trade to an enemy, rather than confining it to a neutral. Such assertions were completely ridiculous, because they were not denied, and were known to all the world; but was that to be compared with a trade which existed only by licences, and those in every instance bestowed upon the enemy? When he recollected the manner in which the Orders in Council, suggested by the present government, were supported, both in doors and out of doors, what unwearied pains were taken to make them popular, what false impressions were produced by ministers addressing themselves to the worst passions of men; by telling them that the people of America were pusillanimous and degraded, and that they would bear any insults, and any outrages, he could not help expressing his surprise that the same persons who then, in so glaring a manner, shewed their jealousy of the trade of America, should, as it were, be dead to every impression of the same kind as applied to the trade of France, and should be ready to throw that commerce they refused to the United States, into the hands of the enemy. When the former administration granted, perhaps, fifty or sixty licences, where the present issue fifteen or sixteen thousand, or took any step which was deemed advisable for the salvation of the West Indies, what volumes upon volumes of papers were moved for by the opposition, what anxiety was expressed, what pamphlets after pamphlets were written to awake the slumbering attention of the country to the threatened destruction of the British shipping, by placing it in the hands of a neutral. But now it had been transferred almost *in toto* to France, or the countries dependent on her, the warning voice was silent, as if under some magical influence possessed by the noble lords opposite.—The principle advanced by his noble friend, was the true and wise and politic basis of the conduct that should be pursued by this country, namely, that all the trade which could not be carried on by English shipping, should be put into the hands of the Americans. To that principle, not an argument had been applied in his speech by the noble earl.—With respect to the system of licences, he must say that he entertained strong doubts of its legality. He was aware that licences were at all times legally within the prerogatives of the crown to grant; but when the intention of licences was to do away the effect of the Orders in Council, they appeared to him to stand on quite different grounds. What was the operation of the licences as granted at present, but to counteract the Orders in Council, which were resorted to for the interest of the state, and which were only to be justified by the necessity of the case? He was convinced that the learned judge of the Admiralty Court would look upon Orders of Blockade as instruments null and void, if their object was not to annoy the enemy, but to procure for this country the exclusive monopoly of the commerce of the world. The learned judge had often and solemnly declared himself to that effect. How, then, could the system of licences be considered legal, if the effect of it was to procure for this country a monopoly of trade?—He should not enter further into this question at present; but supposing that upon a principle of retaliation we should be justified in adopting measures to destroy the trade of the enemy, that would give us no right to dole out, to distribute, and even to sell parts and parcels of that trade to other na-

Digitized by Google

tions. The power of granting licences belonged to the crown, but not *eo intuitu*, not that it might be employed for such a purpose. No man could maintain that the system of licences might not lead to gross and enormous abuses. He did not mean to charge the Board of Trade, or its officers, with any mal-practices, for if he did, as was usual on any attack, the whole ministerial bench would rise to insist that the individual objected to, was the most honest man that ever existed. The management of the system might be impartial in the intention, as no doubt it was, but it was impossible that it could be impartial in the practical execution of it. To be impartial, it would be necessary to persuade all those upon whom it was to operate, that it was so. It was not enough to say that the noble earl would not sully or contaminate his fingers by the grant of any licences from favour or partiality. The influence, however, of feelings must operate insensibly and unconsciously in many instances. It was not always easy to decide how far the possession of a vote, or of interest in a particular borough, corporation, or district, might affect the decision in the grant of a licence. Upon every ground, therefore, it was clear, that the system was liable to enormous abuses, and this was a strong reason for going into the enquiry, which was the more necessary, in order that their lordships might take care that the practice did not trench upon the constitutional power of the crown to grant licences.—The real ground of the motion of his noble friend, was the situation of the trade of this country, of which the noble earl, indeed, had given a favourable picture; but this he must say, with respect to such representations as their lordships had heard upon this subject, that he never knew any administration, or any set of men in office, who did not contrive so to produce comparative accounts of exports and imports as to make the balance favourable. It was not from that comparison, but from the state of the country, that they were to form their judgment of the trade of the country. If the statement of the noble earl were really correct, why had he not sent it to Nottingham to allay the ferments of the distressed manufacturers, and to tranquillize the disturbed districts of that populous and suffering county? Why had he not sent it to Liverpool, where the annihilation of commerce had added so largely to the numbers of the paupers, and driven so many of its industrious inhabitants, hitherto supported by the produce of their own labour, to seek relief from their respective parishes? Why had he not sent it to Sheffield? Why, in short, had not the noble lord circulated this evidence of national prosperity throughout all the manufacturing districts, to prove to the suffering working classes, that however they might be affected, their country was flourishing, and their distresses must be temporary and not real? Why did he not get it inserted at the tail of the London Gazette, to prove to the bankrupts in the city, that they were not, in fact, bankrupts, but men abounding in wealth?—With respect to that extensive and endless question concerning the repeal of the Berlin and Milan Decrees, it was not his intention, on that occasion, to go into any examination of the circumstances, in order to ascertain whether they were repealed or not. He was perfectly ready to admit that there was no official evidence of the repeal which would authorize a court of Admiralty to pass a judgment founded upon such repeal; but in the concerns between states, the same precision was never to be looked for which was required in courts of law. It was beneath the gravity of statesmen, and unworthy of the dignity of nations, to regulate their conduct according to the nice distinctions of logic, and for a liberal and enlightened system of policy to substitute a rigid adherence to all the rules and principles of the doctrine of dialectics. The true way in which to consider all questions between sovereign states was, to examine whether the situation of things was really such as to be material either in its beneficial or injurious effects to one or both. The government of France was perfectly versed in this doctrine, and always prepared to act upon it. Buonaparté had well calculated all the grounds upon which he had to expect the consequence that had resulted, and had taken his measures so as best to promote the interests of his empire. It might easily be supposed that an intelligent minister in France would be able to form a very accurate and just estimate of the character of the people of England, and of the people of America, as well as of the people of France. No doubt could be entertained, that this estimate would not, perhaps, be very favourable either to the Americans or the English; but there were prominent features in the characters of both which could not fail to be correctly seized

Digitized by Google

and dexterously taken advantage of in regulating the policy of the French government towards the two nations. It was most likely that in forming an estimate of the character of the English, such a minister would consider them a high-minded, independent people, but he would also regard them as proud, haughty, supercilious, and overbearing, though possessing, in an eminent degree, a spirit of national pride and national honour, and every other characteristic of a great nation. Forming his calculation, therefore, upon a people possessing such a character, such a minister would conclude, that they would not be satisfied with a virtual repeal of the obnoxious decrees, that they would make a point of their formal repeal, and glory even in compelling that repeal. Of the American people, on the other hand, he would conclude, that they were a cunning, craving, selfish race, that they would not insist upon the actual renunciation of the decrees, but would be satisfied with a declaration to that effect; and that so long as in operation the decrees did not touch their pockets, in principle they would not care whether they were formally revoked, or nominally only. The contrast between these two characters, that would readily suggest itself to the mind of an intelligent French minister, would as infallibly point out to him the nominal repeal of the decrees as an effectual way to conciliate America, the best mode of rendering the English nation incredulous, and consequently as the certain course to excite differences between Great Britain and America, the final result of which would be, to throw America into the arms of France. With regard to the state of the public mind in the United States, he had only to observe that there were generally two parties in every state, differing materially as to their views of policy, and the measures that, in their minds, would best promote the interest of the state, though neither could be suspected of any wish or design to betray the interests of its country. In the United States, one party was disposed to an alliance with Great Britain, and another was eager to draw closer the bonds of union and amity with France. By the policy which had been adopted by this country, the whole power of the state in America had been thrown into the hands of those, who, by habit, partiality, and inclination, were well disposed towards France. If for no other ground than that it would inevitably lead to peace with America, he would be an advocate for the repeal of the Orders in Council. For as to the horrible idea of going to war with that country, he could not for one moment entertain it, or suppose that their lordships would consent to continue the Orders in Council, if they should be proved to lead to that unfortunate consequence. —While he was on this topic, he should take the opportunity to state, that if there was any one point on which he had the honour to agree with the noble lords opposite (an honour he could scarcely call it) that point was the maintenance of the war in the peninsula. He besought their lordships, and particularly the noble lords opposite, therefore, not to put to hazard the cause in the peninsula for any trumpery objects of nominal rights. A war with America, if that should unfortunately take place, would infallibly be the ruin of that cause, because it would effectually destroy the sinews and resources of the war in the peninsula. He begged their lordships to consider what effect a war with North America might have upon South America. He believed that it was in politics, as in war, the wisest course to sacrifice all subordinate objects to the attainment of one great purpose. Nothing could be so strong a proof of weakness and a pusillanimous spirit, as to fritter away the powers of the state in the prosecution of minor objects, and thereby to render the attainment of great national ends more difficult and precarious. Upon all these grounds, therefore, he conjured the House to accede to the present motion, that the Western world might see that England exhibited a temper, the continuance of which would assuredly lead to the prosperity of both.

The Earl of *Westmoreland* allowed that it was the interest of Great Britain to avoid a war with America, and maintained that she had uniformly acted with the utmost forbearance towards that country. The quarrel, such as it was, had originated with the late ministry; and his Majesty's present ministers were not answerable for any evils resulting from the commercial system. The noble earl took a summary view of the proceedings of the late administration on this subject, and expressed a hope that if any noble lord thought that these measures needed defence, he would call on some noble lord on the other side of the House for such a defence. His lordship then expatiated on the flourishing

Digitized by Google

state of the exports and imports. He contended, that in a commercial point of view it would be most injurious to repeal the Orders in Council, under which he maintained that the trade of the country had risen more than one fourth above what it was in that year when the great financial ministers opposite were complimented on the extent of our commerce. Notwithstanding all that had been said about petitions against the Orders in Council, he had never been able to see one of them, although he had taken a great deal of trouble upon the subject. As to the petition from Hull, it stated distress generally; it was not a petition against the Orders in Council, but against those measures which were adopted as a relaxation of those Orders. It appeared to him that the repeal of those Orders would be the destruction instead of the salvation of our commerce. Independent of commercial considerations, he thought that they ought to be maintained on the ground of our national rights, and our national honour.

Lord *Holland* explained, that those who supported the motion objected both to the Orders in Council and the mode in which they were relaxed; so that whether the Petition from Hull was against the Orders or their effects, was of no consequence.

The Earl of *Westmoreland* in explanation insisted that it was very material.

The Earl of *Lauderdale* observed, that the noble earl (Bathurst) had begun in a manner peculiarly hard towards his noble friend the mover of the present question, for his not being able to state the precise Order in Council which he wished to have withdrawn. The nature of the Orders in Council was certainly a subject of no small embarrassment, and nothing could be a stronger argument against their continuance than that such men as his noble friend could not accurately discover their tendency. But really such was the uncertainty with respect to them, that the most experienced traders knew not how to conduct their trade. Whether they were to attend to a notification, to Orders in Council, or to instructions to this or that officer, became a matter of infinite perplexity to them, and of very serious study. The continual changes, however, to which they were subject, gave the merchants of London, who were on the spot from which they issued, a great advantage over the merchants of the outports. The noble earl asked which of the Orders he wished to see repealed. He would tell the noble earl, which of the Orders he wished not to see repealed—it was the Order in Council of the 7th January, 1807. The noble earl appeared to consider the Order of January, 1807, as the only subject of complaint, as if the Orders in Council of 1809 were only founded on the same principle, and were part of the same system. The noble lords seemed to think they had a triumph in this sort of argument; for, as the Order of the 7th of January, 1807, originated with his noble friend (lord Grenville,) and those who sat near him, they supposed that they were bound at all times and under all circumstances, to adhere to them. But what right had the noble lords to maintain that opinion? Were they, who were changing their own Orders in Council every month, justified in presuming that his noble friend would not have abandoned or changed his Order in Council of the 7th January, 1807, if he had seen any evil resulting from the continuance of it? From his knowledge of his noble friends, he was convinced, that they would have altered that Order in Council if circumstances had required such alteration.—In neither of the speeches of the noble earls opposite, was there a single sentence addressed to the proposition that there be a committee appointed. The prosperity of the commerce of the country had been talked of. Prosperity! It was a prosperity accompanied by numberless phenomena. It was accompanied by an unprecedented list of bankrupts. It was accompanied by an unprecedented distress among the manufacturers. It was accompanied by an unprecedented change in the wages of the lower orders. Into these phenomena, attendant on the alleged prosperity of commerce, it was fitting, in his opinion, that a committee should enquire. Had the noble earl read the Memorial from the merchants of Hull, stating with truth the great increase of foreign shipping, and the increasing nursery for foreign seamen produced by the present system? If he had, he was astonished that the noble earl could reject the motion of his noble friend. With respect to the returns on the table, of exports and imports, they were in no wise to be depended upon. Circumstances of a peculiar, and indeed of a contradictory, nature, had conspired to swell them. In the exports, for instance, all goods exported without duty, might be entered to any amount. Thus, an export of only 50*l.* in value, might be entered as worth 5,000*l.* Added to this, commercial

Digitized by Google

speculation had proceeded to such an extent, that it was a well known fact, that goods to a considerable amount had been exported from this country, particularly to Heligoland, at which place no market being found for them, they were actually returned—(thus fruitless swelling the list of exports and imports,) and sold by auction for half the original price at which they had been purchased from the manufacturers. This was far from that legitimate prosperity of commerce which resulted from actual consumption. A prosperous commerce was that where the wants and desires of the purchaser kept pace with the sales of the exporter. There was not a feature in the commerce of 1809, which did not bespeak an unfavourable state; and no country had ever experienced commercial distress without exhibiting the phenomena which had been witnessed in this country. He did not doubt, but that we should see another year of similar prosperity. He thought, that after some stagnation in our trade, it would be likely, that some other scheme might send forth a new set of adventurers and speculators, and there might be another year of great export, which some would mistake for commercial prosperity. What was the professed object of the Orders in Council, but to make Buonaparté feel the consequences of his own acts? The noble lord had said that France had been deeply injured by being deprived of the customs on colonial produce. But had not we suffered in the same degree, though in a different mode? In his opinion, the loss suffered by the state of trade, produced by this new order of things, was infinitely greater on our part than on that of the enemy. When he saw, however, that there had been a falling off of twelve millions and a half in the customs in three years, and combined with this consideration the encreasing number of bankruptcies, and a knowledge of the excess of our exports above the real demands of our foreign trade, he saw not only sufficient but abundant evidence for going into the committee proposed by his noble friend.

The Earl of *Rosse* could not bring himself to consider this question merely in a commercial point of view, but should consider the repeal of the Orders in Council at the present moment, as an abandonment of all the principles on which the country had acted in the assertion of her maritime rights. He should also consider it a part of that system of humiliation which appeared to him to be recommended to the country by the noble lords on the other side. At one time they called on the country to prostrate itself at the feet of the Catholic convention; at another time to give up the Orders in Council, at the requisition of America; and at another time to withdraw their armies from the peninsula, and leave it to the power of France. Now, on account of the losses of a few merchants and manufacturers, we were called upon to revoke our decrees, while the decrees of France remained in full force. Every one must regret that our merchants and manufacturers had suffered losses, but losses of this nature were inseparable from a state of war; and he believed nobody would say that an honourable peace was in our power. True it was that our merchants suffered under the circumstances of the times; but though excluded in a great measure from the continent of Europe, still three parts of the world were open to their commerce. It was impossible to deny that the trade of the country had sustained some depression; but as reasonably might it be expected to fight a battle without having any men slain, as to carry on a war without occasioning some injury to commerce. To destroy our commerce appeared to be the fixed determination of Buonaparté, and as fixed ought to be our determination to counteract him. Buonaparte had declared to his maritime towns, that England must be humbled at any expence. To accede to the motion of the noble lord would indeed be going a great way towards humbling her. To accede to the motion of the noble lord would be still more to depress the manufactures of Great Britain, and to give to the manufactures of France, by the repeal of the British Orders in Council, that stimulus which the exchange of colonial produce (through the medium of America) for the manufactures of France must inevitably occasion. Were government to repeal the Orders in Council, all the advantages would be on the side of France, and she would cease to sustain those privations under which she at present laboured. Every kind of colonial produce would be poured into France by the Americans, who would obtain every colonial article from Cuba and other Spanish settlements. The same American ships that brought West India produce, would export the manufactures of France, which might triumph over ours in the markets of America; and thus

Digitized by Google

France would gain every advantage, both in her revenue and industry, while no relief would be extended to our commerce. On these grounds, he should oppose the motion, as it seemed to imply that the Orders in Council ought to be revoked.

Viscount *Sidmouth* said, he had listened with the greatest pleasure to the able and argumentative speech of the noble marquis, who brought this question before the House; but it had failed to produce conviction in his mind of the propriety of an enquiry at the present moment. He declared, that a full share of the responsibility of issuing the Order in Council of January 1807, belonged to himself. He had been strenuous, as some of his noble friends near him knew, in recommending the adoption of that measure. He considered it as founded on that principle laid down in the rule commonly called the rule of 1756, which prohibited to a neutral the advantages of any trade in time of war, which by the law of nations he was not entitled to in time of peace. His objection to the subsequent Order was, that it carried the principle of blockade to too great an extent, and imposed upon the neutral as the price of a continental trade, the necessity of paying a previous tribute to ourselves. He had another and a serious objection also to urge against it, on the ground that it continued to sanction that pernicious indulgence of suffering the neutral to be the carrier of the enemy's colonial trade. Their lordships had seen that Mr. Erskine had made a merit of this indulgence, in his representations to the American government. He was happy to say that, by the Order of April, 1809, part of these objections had been removed. That Order limited the blockade to the coasts of France, Holland, and the northern parts of Italy. In his opinion the system of blockade would proceed much more successfully were the system of trade licences abandoned. There were great abuses in that latter system. Undoubtedly it was expedient to obtain articles of the first necessity, such as grain and naval stores; but, generally speaking, the licence system was injurious, and in no way more so than in the offence which it gave to morals. Besides, it was adverse to, and completely inconsistent with, the principles on which the Orders were founded, namely, to inflict privation on the enemy.—There was one consideration which had great weight in inducing him to vote against the proposition of the noble lord. He would not assert the general doctrine that there should be no parliamentary interference while a negociation was pending with another power; but under the circumstances of the pending negociations with America, he was decidedly hostile to any parliamentary interference. To accede to the motion of the noble lord, would be to recommend to the crown to repeal those Orders in Council which were the actual subject of the disputes between the two countries. He, for one, would not be a party, under the existing circumstances, to the transfer of that discretion which ought to belong to the executive government, to either of the other branches of the legislature. No one attached more importance than he did to the maintenance of a good understanding between Great Britain and America; but he should deeply regret if parliament were rashly to recommend those concessions to America which the executive government had, for such a length of time, thought it wise to resist. For all these reasons he should dissent from the motion.

The Marquis of *Lansdowne* shortly replied. It was not his intention to consume the time of the House in observing on all that had fallen from noble lords on the other side. For he really thought all they had said had been already satisfactorily answered. The noble viscount had objected to his motion for going into a committee, because as the noble viscount conceived it, licences did not necessarily belong to or form a part of the Orders in Council. This might be so in point of form; but when, to oppose this he shewed that, in point of fact, the two systems were incorporated in one, had he not a right to ask of the noble viscount to go with him into a committee on that subject? By what, he wished to know, could the fact be more effectually proved or disproved than by going into that committee? It had been said, that by entertaining a subject of this kind, the House would give encouragement to that discontent which was supposed to prevail out of that House. Of the force of such an argument he was not aware. Were not noble lords sensible that the more obstinately they shut their doors against complaints, the more would discontent prevail? Were they to hold out, that to the discontented they would never listen, and that it was only when people had nothing to complain of that that House would hear them? He,

Digitized by Google

for one, did not comprehend such reasoning. It was only, as he understood it, in proportion to the seriousness of the complaint that the interposition of their lordships could be rendered necessary.

Earl *Fitzwilliam* adverted to the petition lately presented to the Prince Regent by the manufacturers of Sheffield, praying the repeal of the Orders in Council. He could state, from his own knowledge, that the manufacturers of that part of the country were suffering under the severest distresses, to which they saw no period. Their lordships, he believed, would soon see on their table numerous petitions to a similar effect to that presented to the Prince Regent; and he would implore them at least to give these people the satisfaction of enquiring into the causes of their sufferings, which were almost beyond endurance. It was the opinion of the petitioners, that the Orders in Council were the causes of their distress; and let them not, from a refusal of enquiry, have any ground to say, that their sufferings were inflicted, not by the enemy, but by the hands of their own government. He could assure their lordships that the distresses of the manufacturing districts of Yorkshire, and particularly the clothing districts, were extreme. What had happened in Nottingham was but too well known, and it ought not to excite surprise if similar disturbances were to take place in Yorkshire.

Lord *Grenville* did not rise to add a single word to the arguments which had been so ably urged in support of the motion, but merely to say, that whatever might be the decision of their lordships upon the present question, he was persuaded that when the petitions which his noble friend stated to be in preparation were laid on their table, not a man would be found to oppose a deliberate inquiry into the nature and effect of those measures in which the evils so justly complained of by the petitioners, were by them alleged to originate. Whatever might have been said, he could scarcely think it possible that the full consideration of this subject would be then opposed on the grounds of the prosperous state of the manufactures of the country.

The House then divided—

For the motion	34	
Proxies	37	—71
Against it	66	
Proxies	69	—135
Majority		64

List of the Minority.

PRESENT 34.

Dukes.	
Gloucester	Charlemont
Devonshire	Rosslyn
	Grey
Marquisses.	Lords.
Lansdowne	Say and Sele
Stafford	St. John
Earls.	Clifton (Darnley)
Suffolk	Dutton (M. Douglas)
Essex	King
Jersey	Bulkeley
Oxford	Holland
Bristol	Byron
Cowper	Grenville
Fitzwilliam	Dundas
Hardwicke	Hutchinson
Hillsborough (Downshire)	Erskine
	Ailsa (Cassilis)
Grosvenor	Ponsonby
Carnarvon	Bishop of Kildare
Fortescue	

PROXIES 37.

Dukes.	Viscounts.
St. Albans	Hereford
Somerset	Duncan
Bedford	Lords.
Grafton	Ashburton
Marquisses.	Auckland
Bute	Ducie
Buckingham	Carrington
Earls.	Glastonbury
Tankerville	Mendip
Stanhope	Braybrooke
Donoughmore	Spencer, (Blandford)
Waldegrave	Lilford
Breadalbane	Sundridge (Argyll)
Thanet	Ponsonby (Besboro')
Guildford	Foley
Spencer	Cawder
Caryefort	Somers
Ilchester	Yarborough
Carlisle	Crewe
Derby	Gwydir

Paired off.—Earl of Lauderdale, with two Proxies, viz. Earl of Albemarle and viscount Anson.

Present - - - - - -	34	
Proxies - - - - - -	37	
		—71

HOUSE OF COMMONS.

Friday, February 28.

Repeal of the Legislative Union with Ireland.] Mr. *Hutchinson* rose and said: Sir, the motion for the repeal of the Legislative Union stands for next Tuesday, and upon that day it was my fixed determination to have brought it before the House; but it has been strongly represented to me from different quarters, that in consequence of the Assizes now com-

Digitized by Google

ing on in Ireland, a considerable majority of the persons representing her interests here must then be necessarily absent; under such circumstances, it would not be doing justice to the question to press its discussion now. I regret exceedingly that any delay should occur, and my great reluctance to postpone it yields only to the imperious necessity arising out of the circumstance I have mentioned, and to that alone, because as to the expediency of the motion itself my opinion remains unaltered and unqualified. I therefore postpone my notice from Tuesday next to Tuesday the 28th of April.

HOUSE OF LORDS.

Monday, March 2.

DRURY LANE THEATRE BILL. Lord Holland moved the second reading of the Drury Lane Theatre Bill.

The Duke of *Norfolk* thought, that some farther delay ought to be allowed, that the nature and object of the Bill might be more fully investigated. Well regulated theatres, he had no doubt, were highly proper in all large cities, and contributed, not only to the entertainment of the people, but also to the improvement of their morals. He had no objection, therefore, to the measure merely as a Bill for building a theatre; but there were some points in the Bill that deserved mature consideration. It might be expedient, in the progress of it through the House, to turn their attention to the state of the metropolis, with regard to its theatres in general, and to consider the foundation and tendency of the monopoly. He should, therefore, propose the postponement of the second reading till to-morrow se'nnight.

Lord *Holland* stated, that the object of the present Bill merely was to extend the time and enlarge the powers for carrying the design of the former Bill into effect. This was its principle, and he saw no reason for the delay proposed by his noble friend. It was of great importance to those concerned, that if the Bill was to pass at all, it should pass speedily. If long delays were allowed, the Bill might be got rid of by a side wind. If his noble friend objected to any of the details of the Bill, the committee was the proper place in which to state them. When the Bill should be amended in the committee, some time might be permitted to elapse between the commitment and the third reading.

The Duke of *Norfolk* said, that the ostensible intent of the Bill certainly was to carry into effect the provisions of the former Bill; but he rather thought it would be found, that the enactment went beyond that; and as the second reading had been generally understood to be the proper stage in which to discuss the principle of any measure, he should persist in his motion for delay.

The question was put, but no division took place. The Bill was then read a second time, and a motion made for committing it to-morrow.

The Duke of *Norfolk* opposed this also, and contended that the committal at least ought to be fixed for a more distant day. There was no good reason for hurrying the Bill in this manner through the House. The session was not so far advanced that the loss of the Bill could be seriously dreaded merely from a delay of a few days.

Lord Erskine opposed the delay, and lord Redesdale supported it, observing that there were certainly some provisions in it that required consideration. After a few words from the Lord Chancellor, stating that he had approved the second reading now, because the amendments, if any were required, might be made in the committee, it was agreed that the Bill should be committed on Thursday.

Lord *Erskine* moved for the appointment of a committee, to inquire into the best means of ventilating the place, in which their lordships sat, and adverted to the uncomfortable feeling which must be excited, and which he himself had experienced from the vast number of small holes in the floor. One might catch cold even in a post-chaise in summer, if the chaise were full of small holes. He was the more alive to this subject, from the experience he had had in the courts where he had long practised.

Lord *Grenville* had no objection to the committee merely for the purpose of enquiry, but at the same time said, that the plan recommended by Mr. Davy had not as yet had its fair trial. The House had undoubtedly been rendered more comfortable since that plan had been adopted.

The *Lord Chancellor* had the greatest respect for Mr. Davy; but if any of their lordships would come on Wednesday, and sit with him to hear a Scotch cause, with 500 holes under that table, all the philosophers in the world could hardly persuade him that his situation was of a very comfortable nature.

Lord *Mulgrave* had often suffered se-

Digitized by Google

versely from oppressive heat in the House; and of the two extremes, he should certainly prefer cold to heat.

The *Lord Chancellor* requested the noble lord, who was a very good lawyer, to come and hear the Scotch cause, and then he would probably alter his opinion.

The motion was agreed to.

FRAME WORK BILL.] On the order of the day for the committal of this Bill,

Earl *Grosvenor* rose to move, that the order be discharged. After what had already passed; after the eyes of the noble Secretary of State had been a little opened, he had expected him to have himself moved the discharge of the order. The Bill proposed to punish with death those who entered a house, whether with force or not, and damaged a piece of lace, or stocking frame. The measure, however, was said to be necessary; but their lordships might depend upon it, that this law would only make the artful more artful, the cunning more cunning, the mysterious more mysterious. The proper way to conciliate the people, and to prevent these outrages, was to reform abuses; and on this account he regretted the introduction into the Prince Regent's cabinet of a noble lord, who, whatever might be his merits in other respects, was no friend to such a reformation. He would have been in despair, had it not been for the decision of the House of Commons in the case of an office granted by ministers after having been condemned by a committee of that House. No decision had ever given him so much pleasure. The noble earl particularly censured the severity of the measure, which went to inflict the sanguinary penalty of death, upon what might be only an entry into a house. He trusted their lordships would not suffer themselves to be persuaded by ministers into a concurrence in an act, which would be a disgrace to the statute-book, to the character of the country, and which, instead of removing the evil, would increase it, by more widely diffusing the mischief, and driving the unhappy depredators to acts of desperation. He concluded by moving, That the order be discharged.

The Marquis of *Douglas* stated the question to be, whether the punishment of death was really necessary in this case? and when it was admitted that the milder punishment had never been tried, the argument appeared to be decisive against the severer penalty. The evil here to be remedied did not consist in the defect of the punishment, but in the security of the criminal. Had the former act been put into execution? If it had not, how could they state that the punishment was ineffectual? Nothing could be more unwise than enacting the extremity of punishment in cases of minor offences. When there was no variety in punishment, people would be led to think that there was no gradation in crime. The evil was not to be remedied by laws like this; it extended much farther than Nottingham: a whole population was driven to these pernicious courses by the distresses arising from the unwise policy of government. They asked for existence: give it them (said his lordship) by abandoning that policy, and do not visit them with extermination as a cure for their miseries. In Yorkshire and Lancashire there had been considerable meetings of people suffering under the same distresses as the manufacturers of Nottingham. In his own country, too, (Scotland) there had been meetings of the same description. In Glasgow an application for relief had been made to the magistrates by 30,000 people; but any serious disturbance had been prevented by the wisdom and activity of the magistrates, and especially the provost. The evil likewise extended through Ayrshire. They must go to the root of the evil, and alter their policy. This was the only efficient method. They must return to the old system under which this country had so long flourished, and not destroy the gifts of nature by their unwise measures. The present Bill was the last resort of a rash, feeble, and wretched government,—fearful of their own enactments, because doubtful of their own ability.

The Earl of *Harrowby* had imagined, that after the discussion which had already taken place, there would have been no farther opposition to the Bill. Nothing new had been advanced. Even if he should concede all that had been advanced as to the unwise policy of government, still there was a necessity for this law. An altered policy must take some time to operate: and, in the mean time, an immediate remedy must be applied to the existing evil. The crime was of the most heinous nature and most dangerous tendency, and must be repressed. As to the assertion that this was the last resort of a weak and wretched government, it ought to be recollected that similar laws in similar cases had been passed under the most

Digitized by Google

powerful and humane governments; and he referred as evidence of this to the several laws passed since the 12th of Geo. I, relative to the woollen and silk manufactures. They need not be ashamed to be as weak and bloody as sir Robert Walpole, lord Hardwicke, and the marquis of Rockingham. It ought not to be said that they were harsh or violent in following the system that had all along been pursued and found effectual. Without entering on general principles, he referred to the authority of Mr. Justice Blackstone; and contended that nothing could be found in the book of that eminent judge, adverse to a capital punishment in a case of this nature. The punishment of death had often been enacted against offences where it would be really inflicted only in particular and highly aggravated cases. Our law was mildly administered. The complaint generally was, that the guilty escaped, not that too much severity had been used. In the execution of the present law, the same principle of mildness would, no doubt, be attended to: but there might be cases in which the offence would deserve death; and the capital punishment was necessary in order to strike terror into the offenders.

The Earl of *Carlisle* said, that the proposition to enact a law subjecting a fellow creature to the punishment of death, was one from which humanity shrunk, and on which reason ought to pause. Nothing but necessity clearly proved could justify its adoption: but where was the proof here? What papers—what documents had been laid before them? None; they had merely the assertion of the ministers that there was a necessity for this measure, and that assertion only; unless the accounts in the newspapers of disturbances were to be considered as proper grounds for that House to proceed upon. Allowing these to be true,—how did they know that the magistrates of Nottingham (he meant no disrespect to them) had done their duty? How did they know that the proper means of detection had been used? This Bill was, besides, perfectly inefficient for its own object, and, indeed, in some measure subversive of it. How could they expect that those who were averse to subject these men to the punishment of transportation, would be willing to subject them to the penalty of death? There was a great deal of feeling and humanity in the generality of the people of this country on these occasions. "If the law," said they, "subjects a man only to such a punishment as his offence deserves, we will inform; but if his life is to be affected, you will get no information from us." On every ground the noble earl said he thought the measure highly objectionable.

The Earl of *Westmoreland* supported the Bill, and vindicated the conduct of government in acting with every practicable vigilance and exertion to restore tranquillity and order, ere they recurred to parliament for the present measure. His lordship followed the line of argument adopted by his noble friend who spoke last but one, as to the general principle upon which the measure proceeded; and he was convinced the law under the Bill would be administered with a discriminating lenity, and fully acted upon only when the necessity of the case required it. The measure, therefore, had his cordial assent.

Lord *Grenville* thought the evil of a deeper nature than noble lords were inclined to admit. The great cause was the bad policy which had plunged our manufacturers into distress. The distress and the cause were spreading together. It was now that the effect of the paper issue was making itself felt through the community; and it was impossible in any case to conceive, why the same evils which had extended on an excessive issue of paper, should not be attended with the same evils here as in all other countries. This was a more prominent cause than even the Orders in Council. His noble friend (the earl of Lauderdale) had imputed the distress to the sudden rise and fall of wages by the sudden demands for manufactures; but even where the wages did not fall, the excessive issue of paper lowered their real value. The same money could not purchase the same quantity of provisions; and unless there was a maximum on the price of the necessaries of life, the working people must be more and more impoverished, even in the nominal receipt of undiminished wages. The great manufacturers worked for foreign markets; the rise of the prices abroad did not keep pace with the rise of the nominal value of the currency at home; and in consequence, they were obliged to tell their workmen that they could not make the prime cost on their materials. The workmen said, and with not less truth, that they could not live by their work; and thus distress came rapidly upon the most useful and industrious classes of the community. The present system had the direct tendency of

Digitized by Google

exhausting the resources of the industrious part of the public; this was no new thing to their lordships; it had been pointed out from the beginning: every step of its progress had been regularly detailed, and it was now making its way with accelerated evil. Was this a thing within penal laws to correct? Were men to be cured of this by the gibbet and the gallows? The Bill might irritate and punish, and inflict miseries dreadful to feeling and humanity; but it would not stop an evil which resulted from the wretchedness into which a dangerous and headlong system had driven the working people. His noble friend, (the earl of Harrowby) in quoting a passage from judge Blackstone, seemed to doubt whether that great judge looked on the punishment of death as a means of prevention, or as the penalty for enormous crime. But, putting the first point out of question, was the guilt of this crime of that enormous nature which required death? The noble earl obviously combined the individual act with the crime of conspiracy: but the Bill omitted all the intention of conspiracy, and alluded only to the act of the individual. It would be answered, that the intention of the Bill was chiefly against the conspiracy: but where was the object of a Bill to be found but in its leading clauses, or preamble? He was sorry to hear an attempt to justify the introduction of penal statutes by great names. If there was any case in which we should not look to precedents, or give up any thing to great names, it was a case like the present. To justify the infliction of death, there must be no authority but strong necessity. The statute book was stained with sanguinary laws; it was a stigma on the character of the country; foreigners looked upon it as such, and appealed to its existence as the standard of our national character. His noble friend spoke of the mildness with which those laws were administered. A philosopher once said, that among the Athenians, to praise the Athenians was extremely easy: but where were we to find the great evidence of a mild and legislative spirit,—the prevention? If the question was of the purity of the administration of justice, he must agree that here we were unrivalled, —that there was no country in the world, —that there never was a country, where the innocent man was so secure of acquittal as here. But as to punishment, he knew of no country in Europe,—perhaps he ought to speak of it as before the late dreadful revolution—where so many suffered by sanguinary punishments. Were we about to write in blood the new code for the new situation to which we were gradually advancing? In this instance, we could not punish without frequently committing the most shocking offences against humanity. Crimes of the most different nature were mingled under one punishment; and death was to be equally inflicted for conspiracy and for acts for which a school-boy's whipping would be too severe. Men were to be hanged for 'damaging' frames. What a word! and how capable of perversion. What was 'damaging' a frame? The slightest injury to the slightest part of a complicated machinery was to bring a man in peril of his life. This was enough to throw the body of the manufacturing people into despair. Tell them, that if from folly or malice a man break any part of a machine, he forfeits his life, as much as if he had conspired to destroy the whole machinery of the establishment,—as much as if he had murdered the man at the machine, and the consequence must be horrid. The wisdom of legislators was employed in pointing out the gradations of crime, and making the return always more easy than the progress; but here, "Returning were as tedious as go o'er," and the moment the workman had touched upon his crime, he had incurred the punishment of its consummation.

The Earl of *Liverpool* said he had not heard any noble lord on his side of the House deny that there was distress among the manufacturers, but they had distinctly denied that the distress arose from the Orders in Council; and it was evident that those Orders were blameless, as it had actually happened that the trade had never been more flourishing than since their operation. It had happened that at a late period there had been a sudden excitement of trade; that it had been followed by a glut of the market; and that glut, by distress among the workmen. Nothing was more in the course of things: the same events had been continually occurring, sometimes in war, sometimes in peace. So long as the spirit of speculation existed among traders, and so long as, in this free country, no restraint was put upon any man's use of his money, so long those circumstances must occur from time to time. But the present interposition of parliament was called for, not by the distresses of the workmen, but from a con-

Digitized by Google

spiracy against the machinery, which had regularly exhibited itself at all times when machinery had been employed to the disuse of manual labour. They had found penal statutes necessary for the protection of every successive kind of machinery. His lordship read a passage from archdeacon Paley, implying that the intensity of punishment was to be adapted, not to the enormity of the crime, but to the difficulty of preventing it in society. It was on this principle that a man was hung for stealing a sheep or a horse; though, in the bare enunciation of the thing, it would seem horrible to hang a man for stealing a sheep. There were but two ways of determining punishments,—either by leaving them under a general description to the discretion of the judge, or by stating the shades of crime, and affixing the separate punishment. The latter would be scarcely found possible. But where was the evil of the former? It was the working principle of the English law; and there was at least the evidence, that however sanguinary its language might be, its discretionary practice was mild. The mode of detection was attended to in a clause of the Bill. But even if the detection had been hitherto difficult, was it to be said that this Bill would produce no effect? Did it not argue an ignorance of human nature to say that while detection was never absolutely impossible, men would not be more afraid of being detected when the punishment was to be more exemplary, and that thus the terror which the Bill held before them would not be a restraint. Even the smallness of the means of detection made it more important to use those restraints which we had in our power, and those were to be found in terror.

The Earl of *Rosslyn* argued, that it was not because some discretion must necessarily be left to to a judge, that therefore they were to legislate, leaving all to his discretion. It ought still to be a question as to how much discretion was to be left to the judge.

The question was put for discharging the Order, and negatived. The House then resolved itself into a committee.

The Earl of *Liverpool* stated his intention of proposing amendments, to leave out the word 'damage,' and to insert in different parts of the Bill respecting cutting and destroying frames, utensils, work, &c. 'with intent to destroy or render useless,' in order more clearly to define the offence.

Lord *Grenville* moved to insert words, for the purpose of confining the punishment to offences done in conspiracy and combination.

The *Lord Chancellor* contended, that in order to reach combinations, they must aim at the acts of individuals, and argued that in legislating for the punishment of crimes, much must, of necessity, be left to the discretion of the judge, and that this was proved by constant experience.

Lord *Grenville* replied, that the language he had employed flowed from the feeling by which his mind was impressed. If that feeling was strong, it was excited by the indiscreet measure now brought forward, and the noble lords on the other side were the only persons to be blamed for exciting it, or for its consequences.

Lord *Holland* supported the amendment on the ground that a discretion would be left in the hands of the judge, painful to him, and perhaps injurious to the prisoner in the exercise.

The question having been put, it was negatived.

Earl *Grosvenor* moved an amendment, making the attempt to destroy frames only a misdemeanor instead of a felony without benefit of clergy, which was agreed to.

Lord *Grenville* suggested, that it should not be imperative upon the person injured to proceed immediately before a magistrate to prosecute, provided he could shew reasonable cause for his delay.

The amendment was acceded to. The other clauses of the Bill were then gone through without observation.

PROTEST AGAINST GOING INTO A COMMITTEE ON THE FRAME WORK BILL.] The following Protest was entered on their Lordships' Journals:

PROTEST against going into a Committee on the Bill, intituled, "An Act for the "more exemplary punishment of "persons destroying or injuring any "stocking or lace frames, or other "machines or engines used in the "knitting manufactory."

"Because, We feel ourselves in duty bound to record our disapprobation of all further proceedings on a Bill, characterized by those who supported it, as indiscriminately inflicting the punishment of death on all crimes described by words copied out of an act of parliament, which had, in no instance, the forfeiture of life in contemplation.

Digitized by Google

"It was with a mixed feeling of surprize and indignation we learnt from the discussion that has already taken place, that this Bill, in its nature the most interesting, grave, and important that can be submitted to the consideration of the legislature, had been framed without sufficient deliberation to enable the friends of the measure to give any distinct explanation of the precise crimes to which, under the legal import of the words, thus thoughtlessly and precipitately adopted, it is proposed to extend the punishment of death.

"We cannot therefore, under such circumstances, consent to go into a Committee; for even the amendments which might be there proposed and adopted, would, in our opinion, disgrace the two Houses of Parliament, by recording that they are capable of rashly agreeing to the principle of a Bill thus indiscriminately and by wholesale applying capital punishment to a variety of offences, differing in their motive, their character and their guilt; for the purpose of considering what exceptions might subsequently be suggested by prudence and humanity, which ought exclusively to guide the judgment of the legislature in every stage of their deliberations, on all acts of criminal legislation.

"We agree in the opinion so generally expressed in this House, that the conduct of the manufacturers, in destroying frames, and other machinery used in our manufactures, must proceed from mistaken views of their own interests; as they, more than any other class of his Majesty's subjects, are deeply interested in the preservation of machinery, to the improvement of which we owe our existence as a manufacturing country.

"But we think it our duty, strongly and in distinct terms to reprobate the unprecedented folly of attempting to enlighten the minds of men, in regard to what is beneficial for themselves, by encreased severity of punishment; whilst every sound principle of criminal legislation makes us regard such an addition to the long list of offences, already subjected to capital punishment by the laws of this country, with astonishment and disgust: and every feeling of humanity leads us to express the utmost horror at the wanton cruelty of punishing our fellow-creatures with death, for those culpable acts, more injurious to themselves than to any other part of the community, to which, through mistaken views of policy, the encreasing distress of the times has reduced them to resort.

LAUDERDALE.
ROSSLYN."

HOUSE OF COMMONS.

Monday, March 2.

PETITION OF THE ROMAN CATHOLICS OF TIPPERARY.] General *Montague Matthew* presented a Petition from the Catholics of the county of Tipperary. The presentation of this Petition was to him a most pleasing duty, because it proceeded not from the Catholics only, but had the support of every one of his constituents, whether Protestant or of any other religious persuasion. Before he should move that the Petition do lie on the table, he begged leave to trouble the House with a few observations. It had been for a considerable time in his possession, but he thought it more prudent to defer its presentation until the period of the cessation of the restrictions on the Prince Regent should have arrived. This was merely according with the wishes of the Catholics themselves; for they did hope, and they had reason to hope, that some change of men as well as measures would then take place; but they had been disappointed, the "new era" had arrived, but their wishes had not, unfortunately, found a reality in the choice which had been made. The peace and tranquillity of the empire was still without an anchor; the Catholics had been disappointed, and the country was in danger. Since, therefore, the change that the Irish people, and he along with them, had anticipated, had not taken place, he did not conceive himself justified in withholding the Petition any longer. The House had already heard from the intolerant minister, that should a favourable disposition towards the Catholic cause arise in the Prince Regent's mind, then he would make his bow and withdraw. The House heard this declaration, the like of which never was addressed, perhaps, in the history of the world, by a bigotted narrow principled minister to an enlightened Prince, or a high-minded generous people.—The hon. general then recommended to his countrymen not even yet to despair—not yet to cast away their last hope. Of one thing they might be assured, that their political friends would never desert them, as long as they pursued the constitutional course which they had hitherto followed. The wisdom of

Digitized by Google

the Regent would still, he trusted, be triumphant over bigotry and political folly, and they therefore might in time expect better results. For his part, his feeling was little less than detestation for those odious ministers. He had nothing to fear, nothing to hope for, but the approbation of his oppressed countrymen, and therefore with these feelings and with these hopes, he would leave no stone unturned—he would exert whatever little influence he possessed to accelerate the downfal of these weak and intolerant ministers, and to assist the measures which would give happiness to Ireland, security to England, and perhaps peace to the world. But as long as the present Chancellor of the Exchequer and his diabolical phalanx continued in office, they could not fail to bring on the country the greatest evils—evils which must finally lead, not to the subversion merely, but to the subjugation of the country. On the fate of the Catholic question depended the fate of Ireland—on the fate of Ireland depended the fate of England—and on the fate of England depended the fate of the empire and of Europe. When the general Petition should come before the House, he would then further declare his sentiments.

The Petition was then brought up and read; setting forth,

"That the Petitioners have frequently though ineffectually, applied to the House for relief from those penal laws and restrictions which still aggrieve and degrade the Roman Catholics of Ireland; and that they are fully convinced of the justice of their claims, and determined to persevere stedfastly in asserting them; and their duty to themselves, to their families, and to their country, impel them once more to solicit the serious and earnest attention of the House to the important subject of their Petitions; and that the Roman Catholics of these realms are well entitled upon every principle of right and justice, to an equal participation of all the benefits of the constitution, in common with their fellow subjects of every other communion; they are unconscious of crime, and undeserving of reproach; their services, industry, property, numbers, their meritorious and patient demeanour throughout the severest trials, must powerfully recommend their cause to the favour of an enlightened legislature; and that the Petitioners solicit then this equal participation; they desire the abolition of all the restraints upon liberty of conscience, complete toleration of the members of all religious persuasions in their respective modes of worship, without the galling restraints of civil disabilities, privations, or exclusions; they seek permission to adhere to the religious faith of their ancestors and of their country, unmolested by penal laws, which injure and irritate, and shielded against the ignominy, insult, and humiliation which the Roman Catholics of these realms are now compelled to endure; and that these objects, which the Petitioners thus peaceably pursue, they feel and know to be perfectly legitimate and laudable; they would cheerfully concede the free enjoyment of civil and religious liberty to all mankind, they ask no more for themselves; and that, thus earnest though temperate, confident but respectful, they humbly pray the House, that all the penal laws, disabilities, restrictions, and privations of every kind, which now aggrieve and degrade the Roman Catholics of these realms, may be utterly repealed and abolished, that justice may thus be rendered to a faithful and deserving people, security restored to property, and strength and concord to the empire."

Ordered to lie upon the table.

PROCEEDINGS RELATING TO THE EXPULSION OF MR. BENJAMIN WALSH.] On the motion of Mr. Bankes, the order of the House for the attendance of Mr. Walsh this day was read.

The *Speaker* directed a messenger to be called in to prove that the order of the House had been served on Mr. Walsh.

Mr. Skelton the messenger was then examined. He stated the order to have been served by him on Mr. Walsh, upon Friday at two o'clock.

The *Speaker* said the Serjeant was informed a medical gentleman was then in waiting to prove that Mr. Walsh was incapable of attending in his place from indisposition. Was it the pleasure of the House that he should be called in? The House assented. Mr. Cornwell Reynolds was then called in, and examined. In answer to the questions put to him, he stated himself to be acquainted with Mr. Walsh. He had been called upon to attend him on Saturday last. He had been in the habit of attending Mr. Walsh some years ago, but not latterly, till he was called upon to attend him on Saturday. He had last seen Mr. Walsh about two

Digitized by Google

hours ago. He was incapable of attending the House, from the state of his mind, rather than from bodily indisposition. He thought there was reason to hope that Mr. Walsh would be able to attend within a little time. At present he laboured under mental derangement. Some few years ago, he had seen Mr. Walsh, at which time he appeared to be mentally deranged. According to his judgment, it was probable that in about a fortnight Mr. Walsh would be able to attend in his place, sound in body and mind. He could not positively say whether or not the apprehension arising from an order to attend that House would again reduce him to the state in which he was at present. Mr. Walsh had been very much affected by the apprehensions raised by the order to attend in his place, which had been served on him. When speaking on the subject, he was so much agitated, that he could only speak in an incoherent manner, and was frequently unable to give utterance to what he wished to say. He had not been called on to attend Mr. Walsh previous to the trial, nor had he seen him about that time. He had not seen Mr. Walsh since the trial, till Saturday last, when he attended him in consequence of a letter which he had received. That letter, he believed, was still in his possession, and he had no objection to produce it, if it was the wish of the House.—The Witness was here ordered to withdraw, but told not to leave the House.

The *Speaker* had now to inform the House, that he had received a farther letter from Mr. Walsh, in which that gentleman, though he intimated that he should not attend in his place, expressed a wish that the proceedings before the House, in his case, might not be delayed on that account; but at the same time stated it to be his hope that the evidence of his medical attendant would remove every objection to his former letters to him (the Speaker), being read to the House.

Mr. *Bankes* thought it would not be regular to put on their Journals that palliation or defence which it was obviously the wish of Mr. Walsh to get thereon inserted, through their being read by the Speaker. He was not a little embarrassed how to act. It appeared that till Saturday last Mr. Walsh had called in no medical attendance. On Friday last he had been served with an order from the House to attend in his place on Monday. He had previously been ordered to attend on Thursday, but it was not till Saturday, after hearing that it would not be regular to read the letters he had sent to the Speaker, as no incapacity to attend from bodily indisposition was there set forth, that he called in a medical gentleman. Till then it should appear that it had never entered his mind, to make indisposition a plea for his non-attendance. It appeared he was only anxious to get his letters read, that they might be placed on the Journals, and therefore to their being read, he for one should object. To do so would, he thought, under such circumstances, be inconsistent with the order they had made, and with the regular course of their proceedings. It remained for the House to consider what should be done. He was ready to proceed with the motion of which he had given notice, if it met the approbation of the House; but if it was thought that there would be any hardship in deciding on the case of a member who was absent, and who might yet come down to the House and reply to the charge made against him, he would be the last man to oppose its being postponed. He, however, could not but suppose from the communications which he had made to the Speaker, that Mr. Walsh had no intention of appearing to the charge. Whatever might be urged in defence, or rather in palliation of what he had done, the fact of his having committed the offence with which he was charged, was admitted under his own hand, and therefore could not be shaken. This being the state of the case, he did not know that it would be improper to proceed. He wished to pause to hear the sentiments of some other member, and to have time to consider what step it might be best to take. He did not wish to do any thing that might make the case of Mr. Walsh a case of hardship: but as he thought the infamous conduct of one member, in some sort, threw a disgrace on the whole body, it appeared necessary to lose as little time as might be in proceeding against a person in the situation of Mr. Walsh. On this ground he had taken up the subject, and on this ground it was his determination to pursue it. He wished to hear the sentiments of other gentlemen, but for himself he thought the letters of Mr. Walsh ought not to be put on the Journals, and that it was desirable to avoid delay in the case of a member against whom so serious a charge was to be made.

Digitized by Google

The *Chancellor of the Exchequer* was of opinion, that from the representation which had been made before them of the state of Mr. Walsh, whatever they might suppose to be his intention, whether they supposed he would, or would not appear, a case was made out which ought to stop their proceedings for the present. From the evidence given before them by the gentleman they had examined at their bar, it appeared that in a fortnight Mr. Walsh might attend in his place. He thought that the House was placed in that situation that they could not proceed immediately. When a member was ordered to attend in his place, and was unable to do so from ill health, they ought not to decide on his case till he was able to come down to the House. This he suggested, not to favour the individual, but for the sake of the general principle. He thought they must feel, that whatever might be the sentiments of that House, with respect to the offence of Mr. Walsh, whatever reason they might have to think that he would not attend, or that, attending, his defence could not be satisfactory, still it was their duty to guard themselves and posterity against a member's being called upon to attend when unable to do so, and condemned in his absence without a proper opportunity being afforded to him of meeting the charge to be preferred against him. Under all the circumstances of the case, it might probably be best to move the adjournment of the subject over the time which had been mentioned, as that within which it was probable Mr. Walsh would be able to attend in his place. He did not intend making a motion to that effect; but the hon. gentleman had wished to hear the sentiments of some one on the subject, and he had therefore thought proper to offer his.

Mr. *Bankes*, adopting the suggestion of the right hon. gentleman, then moved to adjourn the consideration of the case of Mr. Walsh to Tuesday fortnight.

Mr. *C. W. Wynn* concurred with the right hon. gentleman in what he had advanced with respect to the necessity of giving the person against whom a charge was to be made, a proper opportunity of meeting it.

Sir *F. Burdett* made some observations on the conduct of an hon. member, whose case had been before the House last session (Mr. Mansell Phillips), and against whom proceedings were stopped, in consequence of some arrangements having been made, the conditions of which he (Sir F.) understood the hon. member had not fulfilled.

Mr. *Lockhart* said, that when he saw the hon. member alluded to on the subject, he had promised to appear and to plead, which was all that the Petition desired. He had appeared, and had pleaded, and having done so, he (Mr. L.) had not thought it his business to look to the conduct of that hon. gentleman any farther.

The question was then put and carried, and Mr. Walsh was ordered to attend on Tuesday fortnight.

HOUSE OF COMMONS.

Tuesday, March 3.

PROCEEDINGS RELATING TO THE EXPULSION OF MR. BENJAMIN WALSH.] The Speaker acquainted the House, that he had this morning received a letter from Benjamin Walsh, esq. a member of this House, stating that he was at present able to attend the House, and desiring that the decision of the House respecting himself might take place as soon as possible; and that he conceived that he was better able to attend now than he probably should be at so late a day as that for which his attendance is at present appointed.

The House was moved, That the order made yesterday, for the attendance of Mr. Walsh in his place, upon this day fortnight, might be read; and the same being read it was ordered, that the said order be discharged; and that Mr. Walsh do attend this House, in his place, upon Thursday next.

MR. BROUGHAM'S MOTION RELATING TO THE ORDERS IN COUNCIL AND THE LICENCE TRADE.] Mr. *Brougham* rose and said: Sir, I now rise to bring under the consideration of the House the state of the commerce and manufactures of the country, and in contemplating the extent and diversified nature of this vast and complicated subject with the great variety of detail to which it naturally leads, I am tempted to believe that if I had anticipated an inquiry so various and extensive, I should have paused before I undertook so laborious a task. But as I shall have ample occasion for all the indulgence of the House in the course of the exposition which I am about to submit to them, I shall preface it no farther than to say, that the object of my motion is to induce it to go into an inquiry on the state of the

Digitized by Google

trade and commerce of the country under the operation of the Orders in Council. I know, Sir, that I have to address myself to various descriptions of persons, all agreeing as to the fact of the distress which pervades the country, and all acknowledging that the voice of the country is raised in consequence of that distress—all coinciding in opinion, therefore, I hope, that it is not an idle question or useless investigation, to attempt to discover whether the sentiments uttered by this voice, have or have not a just foundation. Some there are, however, who now hear me, who differ with respect to the origin and extent of the calamity, and as conscientious men will always differ upon important questions, are anxious to see those opinions, which they still entertain, defended and established. Many, who looked much to the system begun in 1806, are desirous to understand how far that system has been supported, or its operations forwarded by the Orders in Council of January, 1807. Some there are, too, who, not entirely disapproving of the new system at the period of its commencement, but induced by subsequent experience, and surprised at unexpected results, wish to perceive clearly and distinctly whether there are sufficient grounds to come to an alteration of their opinions. Others, still adhering to the wisdom of the policy, may entertain no little doubt as to the expediency of the mode in which it has been pursued; and, advocates still for the principle, may see much to condemn in the manner by which it has been endeavoured to carry it into effect. They may think, that however necessary it may have been to sanction certain relaxations from the strictness of a general rule, the present system of relaxation is the most objectionable that could be adopted. Another class of persons there is, who originally supported the Orders in Council, because, feeling that the edicts of the enemy were of an unprecedented nature, they concluded that some new and grand experiment was called for to counteract them, but who are now anxious to ascertain the success of that experiment. There is also another class, (among whom, in point of confidence in the justice of their opinions I rank myself foremost, but in influence and authority most humble), who, having opposed and reprobated the new system, from its earliest commencement, and having predicted from it the most ruinous consequences, are now prepared to shew that unfortunately for the country every prediction has been verified, and every anticipated evil accomplished, even beyond the most desponding apprehension—and as they think that no time is too late to turn aside from a course of blindness and ruin, they wish earnestly for an opportunity of exposing the blindness and of pointing out the ruin. Lastly, I have to enumerate a class of persons distinct from all these, a class of persons who undervalue all commerce and all manufactures, and consider the land and agricultural labour of a community as the only sources of real wealth, and the only constituents of national prosperity. These persons must, upon their own principle, be no less desirous of entering into the proposed inquiry, and of ascertaining what is the danger that in its progress must so nearly affect what they regard as the only true resources of the country, and which, if it does not menace, according to their theory, the safety of the country, at least tends to aggrandize the power of the enemy. To all these different classes of individuals, I now address myself, and agreeing, as they all do, in the points which I have stated, call upon them not to refuse to listen to the distressed voice of the people, but to vote in support of the motion for going into a committee.

The object of this committee will be, to enquire into the effects of the Orders in Council, to enquire whether they have counteracted or assisted the policy of the enemy, what is the nature, the cause, and the extent of the distress felt throughout the country, and what is the most advisable remedy to be applied—whether it may be most expedient to retrace our steps, or prosecute the same course with additional vigour and effect. If we are to tell the people that the evils of which they complain are great, but irremediable, that they are not merely to be deplored, but endured, this language will not be the worse received for being prefaced by an impartial and accurate investigation into their causes. I have thought, Sir, that thus much might tend to clear up the preliminary view of the question, by stating exactly the case as it stands among persons entertaining a diversity of opinion on the subject. The fundamental principle on which this new system of commercial policy is founded, has always professed itself to be a retaliatory principle. It is of indispensible importance, therefore, to un-

Digitized by Google

derstand what that system was on which it was pretended to retaliate. The end of our Orders in Council, says the right hon. the Chancellor of the Exchequer, is to retort upon the enemy the evils of his own injustice. Their object, says the noble President of the Board of Trade, (lord Bathurst), is to counteract the designs of Buonaparté; their principle, as sir William Scott pronounced, is to produce a reflex-operation upon the trade and manufactures of France. Without knowing, then, fully and precisely what this system is, of which the obstruction and turning back form the basis of our own policy, it is utterly impossible that we can arrive at any safe or sound conclusion, or that the discussion can serve any useful purpose. Now, this system of policy may be distinctly traced to one of the first principles of the French government, the principle of destroying the commerce of its enemies, although its own trade should be the necessary sacrifice. That this is the principle which lies at the bottom of its whole policy, there is abundant evidence to convince us. It is a sacrifice on the part of France of all the advantages in point of revenue, wealth and prosperity, arising out of trade, to what is called the continental system—a system purely anti-commercial. A long train of measures have, for a long period, been directed to this exclusive object. Undoubtedly, Buonaparté has expressed a wish for ships, colonies, and commerce, but he was no sooner awakened from the vision by some new victory of our navy, than he found that the only means left him of accomplishing his ulterior designs, and of gratifying the first passion of his mind—unceasing hatred towards this country—was to sacrifice all his own commercial views and interests to the destruction of ours, and he returned with avidity to his former and favourite system. I am borne out fully by his acts, and justified by the whole tenour of his government, in asserting that the French ruler looks upon commerce in general as necessarily hostile to his interests. The Conscription alone might serve to convince us of his determination to sacrifice his commercial to his military system. What was his conduct when you first determinined to hamper the importation of colonial produce into his dominions? 'With all my heart,' said France, 'your colonial produce shall not enter my 'ports at all.' We had long employed ourselves in devising schemes for preventing the introduction of cotton into the enemy's ports. In August, 1810, after the revocation of the French Decrees had filled the ports of France with American merchantmen, laden with this commodity, a duty of sixty sous per lb. was imposed by Buonaparté on the import, amounting to nearly a total prohibition. The inhabitants of Bourdeaux represented their distresses to the government, but their representations were answered by the declaration that it was too late to talk of trade; France was a country of arms. The merchants of Hamburgh poured in their complaints, in reply to which they were told that the French emperor wished to see among his subjects none but soldiers and peasants. In order to gloss over this system with the tinsel of theories, we find the French ministers declaiming on the advantages of agriculture. A book has been published by Talleyrand, in which he labours to shew that the exclusive encouragement of agriculture is the true and natural policy of the French government, since the stormy period of the Revolution. Commerce he represents as leading men into large societies and rendering them restless, inquisitive, and turbulent, while agriculture disperses them, tranquillizes them, and fits them for submission. Thus it appears that the enemy's policy is war no less on commerce than on liberty, on the parent and the child, as indissolubly connected and nourishing and supporting each other by a natural and reciprocal operation. Thus it appears, that in the view of his stern and merciless policy, commerce is as hostile to all he aims at, the subjugation of the world, as it is friendly to all he hates—the freedom and the happiness of mankind. As for his power to accomplish his purpose, I do not mean to place an implicit confidence in the declarations of Buonaparté's ministers, or the promises of his new made duke. But admitting him to be all deceit and treachery, a compound of trick and violence, restrained by no other feeling and no other obligation than a sense of his master's interest, I will yet believe him whenever he undertakes to do what it is for his advantage should be done. If no commerce exists within the territory of France, and her system is as repugnant to it as I conceive it to be, it does not necessarily follow, that it should be extended to all her allies, because she well knows that, by indulging their trade she is preparing seamen for her own future navies. What, then, in the situation of things

Digitized by Google

which I have described, ought to have been the counteracting policy of a state so situated as ours? Ought it not to have had for its object to support and encourage our own commerce, and to foster neutrality wherever found, not to hazard both in the weak attempt to inflict upon the enemy injuries which he does not feel, and retort upon him his own injustice rather than consult our own interests? If we had adopted the principle of encouraging neutrality, what description of neutrals would it have behoved us chiefly to favour, the dependants and allies of Buonaparté, those whose seamen are his seamen, and whose territory he may, in a moment of caprice, render an integral part of his own dominions? Or ought we not rather to have looked to a people separated from that enemy by an ocean to him impassable, a people having a common origin, and speaking a common language with ourselves; the only nation on earth except Britain, free from the domination of Buonaparté? Let it be recollected, too, that this was a people who could not rival us in the most insignificant manufacture, a people every way so closely connected with us, that nothing short of the extremest madness and folly can ever produce a rupture between the two countries, a people that could not send out scarcely a single ship of war to oppose us until they shall be driven into hostilities, and whose political state is such as to indispose them to war, unless compelled to a premature exertion of their strength. Instead of a policy leading to such results, I humbly apprehend we should have acted more wisely in holding up the neutral character to respect, in avoiding all that had a tendency to injure or destroy it, because next to the calamity of a war with America, the greatest that can happen to British commerce, is a war between France and America. Such a war must co-operate with the designs of the enemy in destroying and excluding our commerce from every part of the continent. Such a war must immediately deprive this country of all those advantages which she enjoyed while America remained uncontrouled, and which rendered the French decrees almost as nugatory as the blockade of the British isles.—It is lamentable to look back at the reverse of all this, to find that instead of conciliating and neutralizing other states, our policy has breathed nothing but hostility to neutrals; and the whole series of our measures speak but one language—that they must take part either with the one belligerent or the other. I wish not to enter upon the subject of the negociation that is still pending. I rejoice that it is yet pending; but I grieve that what lately fell from the right hon. the Chancellor of the Exchequer has diminished the probability of a prosperous result. But if I could suppose that America was as willing to acquiesce in our system, as we are strenuous in acting upon it, I should still contend that it would be wise in us to abandon it, and that by no other system is France so likely to succeed in her ultimate designs. So much was said on this subject four years ago, at a period when I had the honour of raising my voice at your bar against this policy, that I shall compress into one sentence the sum and substance of that argument. It was then said that under the new decrees of France, the test imposed upon American vessels in French ports would be solely, "Had they touched at the British isles?" This was a question which the Americans could at any time evade. The fact of having entered a British port was one which the enemy could not possibly ascertain. Under these circumstances our Orders in Council were issued, and every American vessel compelled to enter and pay tribute in a British port, previous to her entrance into any of the ports of France.

Let us for a moment attend to the effects of these edicts, as evinced in the first year after their proclamation. In the returns for the year 1809 it appeared that the amount of exports and imports fell short of the amount of the preceding year 15 millions; 10 millions to the continent and 5 millions to America! In April 1809, therefore, these Orders were in a great degree modified, or rather rescinded. The only Order now in force was then issued, and to this the attention of the House should be particularly directed, as in place of the former sweeping principle, it substituted a blockade of limited extent, including Holland, the coast of Germany as far north as the Ems, and that portion of Italy which lies between Pesaro and Orbitello. Thus the original principle was completely surrendered; for what was the object of that principle, but to make Buonaparté feel and repent of the operation of his own policy—what was it but an avowed struggle between him and us of who could play at this game the longer? Were we not told by the right hon. gentleman opposite, that Buonaparté

Digitized by Google

could never hold out against the effect of our new schemes, and that the result must be that he would be compelled to revoke his own decrees? What, then, was done by the Order of April 1809? "You must not," said this Order, "export your coffee, your cotton, or your sugar on this side the river Ems; but go to the north of it, stretch your course a few leagues farther, and you may trade at your discretion." While the north of Italy and the south of France were labouring for a vent to their manufactures, the language of this Order was, "You shall import nothing from Toulon, no, nor from Genoa; but beyond Orbitello, a few miles to the southward, all restriction ceases." When we shew, therefore, what the effect was of the first Order on our exports and imports, we are desired to look at the vast encrease which has followed the second, for which credit is taken as though it were so much actual encrease.

In one respect, at least, the last Order was more absurd than its predecessor, inasmuch as it could have no pretence whatever for being considered as a retaliatory measure, intended to injure Buonaparté. We are told, however, that the consequence was a great addition to our exports; let us examine, therefore, the nature of this assertion. In the year 1810, a sum of between nine and ten millions, of the property of British merchants, was confiscated and transferred to the French treasury. Here was the secret of Buonaparté's relaxations. A sum exceeding by 2 or 3 millions the whole amount of the Droits of Admiralty, accumulated in a period of eighteen years by the plunder taken from Spaniards, from French, from Danes, from our Dutch allies, from Toulon (in trust for the royal family of France) &c. was, as it were, in a moment added to the funds of our enemy, not taken from his subjects or his allies, or even from neutrals, but from the subjects of that state with which he was openly at war! In the following year his system of relaxation was carried still further, for we then find him burning and prohibiting with new fervour. In 1807 you press him hard; in 1809 you begin to soften; and in 1810 the sum total is, that he adopts a measure infinitely more destructive than ever, both to his own commerce and to yours. Had he varied one iota in his policy, or deviated for a single instant from his great and presiding principles, this part of the case would be altered. It does appear to me most extraordinary that, seeing all these things, any man of sense, who has been in the habit of representing Buonaparté as the despiser of all rules and all ordinary maxims, can expect to move him by commercial distresses. It does appear most extraordinary that they who are in the constant practice of characterizing him as abandoned to the most profligate principles, as the blood-thirsty destroyer of his kind, the foul murderer of his companions in arms—charges which I hope, not for his sake, but for the honour of our nature, are unfounded—that these men could have ever made up their minds to propose to parliament a measure that, by depriving the French soldiers of bark, was to alarm and prey upon Buonaparté's tender feelings. If these considerations had any weight when urged against the original adoption of this policy, they must be still more forcible after the fact, and after every desponding view that was then taken, has been more than realized. I can explain the adherence of the right hon. gentlemen to their former opinions, only by attributing it to that reluctance which men feel to abandon a theory in which they have been once fully entangled.

And now, Sir, I shall enter a little more minutely into a few of the facts which prove the destructive influence of the Orders in Council on the trade and prosperity of the country. One proof, and certainly one would think a very strong one, may be seen in the enormous increase of bankruptcies, and another may be seen in the distressed state of our commercial and manufactoring towns. We know that the poor of Liverpool, in the space of four weeks, increased to more than four times their former amount; and that in that once opulent and flourishing town, they are now relieving from sixteen to seventeen thousand poor in a week, over and above the ordinary paupers in the different parishes. Of these sixteen or seventeen thousand poor, it is to be considered that not more than three or four weeks ago, there were not above two or three thousand, and that not more than a year ago there existed literally none. These facts should, I think, bear me out, and induce the House to go into the proposed committee, even in the teeth of all the Custom-house returns, if those returns are at variance with them; for if I find nothing but misery and distress in all the manufacturing and commercial parts of England; if I cannot shut my eyes to the effects of

Digitized by Google

that misery and distress every where but too apparent; if I see that in the course of last year there were nearly 2,000 commercial failures; if I know that petitions are every where in preparation (and on this subject the knowledge of the right hon. gentleman is probably much more extensive than mine) embodying thousands and thousands of complaints against the distress occasioned by the Orders in Council, in Warwickshire, in Lancashire, in Nottinghamshire, in Yorkshire, in Derbyshire, and other parts of England, and several parts of Scotland; of what avail is all the eloquence of the right hon. the Vice President of the Board of Trade, or the piece of paper which he chooses to produce to me from Mr. Irving's office? It is true he will tell me, the amount of bankruptcies is one thing; but the amount of exports and imports is another. Of what avail are all the distresses in Nottingham —of what avail is the amount of bankruptcies—of what avail the accounts of starving manufacturers—look to the accounts in the office of Mr. Irving, the saviour of the country, who, under Mr. Vansittart's act every March or April, or every first of April, makes returns to the House, clearly proving that in spite of appearances we are an exporting, a flourishing, and a gay nation. The right hon. gentleman will tell me, no doubt, that the people whose names swell the list of bankrupts, are mistaken, that the Gazette is mistaken, and that all this is feeble paper-proof when compared with this ægis of brass from the columns of the Custom-house books. I care not, therefore, what the right hon. gentleman may produce from this quarter, nor is it necessary for me to go more minutely into this part of the subject, to induce the House to enter into the proposed inquiry. What better evidence could the wit of man devise to shew which party is right, and which party is wrong? We have only to turn our eyes towards our gaols filled with debtors, our poor houses crowded with objects of mendicity, and our midland counties, where so great is the distress, that the people are driven even to insurrection. *

But let us inquire how the case of the right hon. gentleman is made out? By a Custom-house bit of paper.—Let us see, then, how the case really stands on the shewing of these documents of the right hon. gentleman. I have already mentioned what the state of things in this country was in 1808, and the unfortunate falling off of our exports in that year. Come we down to the last year, 1811. I am here dealing with the hon. gentlemen opposite on their own documents, the Custom-house returns made out under Mr. Vansittart's act. We have now before us a Return for the three quarters of every one of the four years, ending the 10th of October 1811. It appears that we exported, of British manufactures, in the three quarters ending the 10th of October 1810, 27,019,516*l.*; and in the corresponding three quarters of 1811, we exported only to the amount of 16,397,311*l.*; so that here is a falling off of nearly 11 millions in the amount of British manufactures exported in three quarters of one year only; and if a proportionate allowance be made for the other quarter, the falling off will then be between 14 and 15 millions of official value in the amount of British manufactures alone in a single year, which sum of between 14 and 15 millions of official value corresponds to somewhat between 20 and 21 millions of real value. It appears, then, that there is not such a discrepancy between the Gazette and the Custom-house books as from the cheering of the hon. gentlemen opposite one would be led to suppose. But the right hon. gentleman will say, "It is true there is a falling off in the amount of last year compared with 1810, but 1810 happens to be the greatest year of exports ever known, and there is no falling off when we compare last year with 1809." But here again the right hon. gentleman will find himself in some difficulty, for it appears that there is a falling off of two millions last year, when compared with 1809; for 1809 was within nine millions of 1810. Thus it appears that we must go back to the year 1808 for a comparison; and it is to be considered, that if there is a falling off in the last year compared with 1808, it is a falling off compared with the very worst year ever known in this country, for in the year 1808 there was a decrease in the exportation of British manufactures of about 15 millions as compared with 1807; and therefore if there is a falling off in 1811 compared with 1808, we have a right to conclude that there is a falling off compared with the very worst year that could be selected. How then does the fact stand? In the 3 quarters ending the 10th of October 1808, the British manufactures exported amounted to 18,013,043*l.*; and in the corresponding quarters of 1811 they amounted to 16,397,311*l.*, being a decrease of nearly two millions. We have not yet got the

Digitized by Google

accounts of imports for the last year, and I believe that they cannot be presented for more than two months. We know, however, enough to allow me to state with confidence, that in the imports there has also been a falling off; and that the imports in the year 1811 fell off nearly as much as the exports. Upon the whole, then, it appears, that there has been a falling off in the year 1811, compared with the very worst year, namely, 1808.

But on this subject I think I shall be able to say something to shew why the Custom-house Returns are at best but of doubtful authority, and are not to be trusted when they appear to speak a different language from that of all descriptions of people in the country. It is to be observed, from the Accounts presented to the House, that in 1809 the exportation to North and South America, and the British Settlements, amounted to 8 millions more than that of 1807; and the exportation to the countries of Europe to 12 millions more than in 1807. Such was the statement on the face of the documents. This would at first sight induce any one to draw the most favourable conclusions respecting the state of the country; but when we know how different the state of the country really is, we must look for the cause of this apparent contradiction. There are a sort of prying people in this country, who are not quite disposed to pin their faith implicitly to Mr. Irving's books, and are unwilling to believe this increase of 1809 real: these sceptics on the contrary, have the boldness to say, that this excess of exportation went to a market which was not disposed to receive it. They will tell you that the goods which were sent to South America were not sold; that the goods which were sent to the various countries of Europe were not sold. If such were the fact it was naturally to be expected that their conjectures would be borne out by the return of goods from the same quarters in the next year, and accordingly next year there was an almost proportionate excess of importation of the same kinds of goods in which there had been an excess in the export the year before. In 1810 there came from America to the amount of five millions more than in 1807; and there was imported from countries in Europe, including West India produce, more than twenty millions, and not including it sixteen millions. So that it was evident a great part of the goods sent out from this country in 1809 found found no sale, but having glutted the markets of Buenos Ayres, Guernsey, Jersey, and other places, were returned to this country, to swell the amount of imports in the succeeding year. It appears that in 1810 the exports were 62,702,409*l.*; and the imports 74,538,061*l.*; and as it has been confessed that the Bank could not have supplied 12 millions in gold to balance this account, the circumstance is inexplicable but on the grounds which I have already stated. As the Custom-house accounts then abound with difficulties and inconsistencies, I shall at once dismiss them as unintelligible, without some parole information, without we may have an opportunity of examining Mr. Irving himself, and the officers of the Custom-house, and contrasting and comparing the information to be derived from them, with that which appears in their books. Unless such an examination take place, these documents, instead of being the oracles of truth, can be considered only as the depositories of error. There is another reason why I am disposed to place little faith in the accounts of exports. It is well known that several articles pay no duty on exportation, such as cotton and wool, for instance; and it is no uncommon thing for a man to enter goods exported to the amount of a hundred thousand pounds, for the purpose of giving an idea of his commercial consequence on 'Change, who has not, in fact, exported to the value of ten thousand pounds; a fact I can prove, if the House will agree to my motion for a committee. Thus far having gone out of my way, for the purpose of meeting something like a challenge, which appeared to be made on the other side, I will leave the House to judge how far I have succeeded in my object, of endeavouring to reconcile those papers with the distresses and petitions of our manufacturers, and I shall proceed to resume the argument at that part at which I deviated from it, namely, the relaxation of the system of the Orders in Council in 1809.

If this relaxation proved the greatest want of confidence in their system on the parts of ministers themselves, if in fact it wholly abandoned the ground on which it was originally pretended that those Orders were founded; if it demonstrated that all prospect of making Buonaparté relax in his system by bearing hard upon French commerce was vain—I am now prepared to show that every thing that has since happened has evinced the total futility,

Digitized by Google

with regard to its professed object, of retaining all that remained of our measures, and that every thing that has since happened ought to induce us to retrace our steps, and return to that more wholesome policy from which in an evil hour we departed. And here I wish to call the attention of the House to a subject of great importance, namely, the licencing system. In 1807, the number of licences granted amounted only to 1,600; and in 1810, it appears that they amounted to no less than above ten times that number, to upwards of 18,000. Having shewn the amount of this traffic in licences, it is easy to see how much of the whole commerce of the country is carried on under this system. Let us next inquire what are the effects produced by this licensing system on the enemy, on neutrals, and on ourselves. What are its effects on the enemy? Why, it at once gives up to him all that remains of the principles of the Orders in Council; because if the principle is to be relaxed *ad libitum*, if those who apply for licences, if every man who wishes to trade with France and Holland, has only to go over to the right hon. gentleman to attain his object, what, I will ask, is to become of the blockade of 1809? The relaxation, therefore, I contend, eats up and destroys the very system itself; and we are now carrying on a trade which is open to the enemy, but shut to all neutrals, except those who choose to be partakers of the licensing system. I ask, therefore, if it is consistent with the policy of this country, which has always aimed at engrossing the carrying trade of the world, endeavouring by every means to increase our own marine, and taking all methods to prevent the increase of that of France; is it consistent, I ask, with this policy, that we should hold out every encouragement for the increase of the shipping of those neutrals who are under the dominion of France, or under the influence of her power? It is by their interference alone that the trade of the enemy can be carried on. The flags of Kniphausen, Pappenburg, Empden, and several little ports which it is difficult to know where to look for in the map of Europe, (though these places are in fact altogether French) and those of the Danes, the Swedes, and the Norwegians, equally carry on by means of our licences, the trade between France and their own countries, and the trade between this country and France. It is absurd to think that they conform to our regulations; on the contrary it is well known, that furnished with, and protected by our licences they trade directly as our enemy desires. Suppose for instance a vessel clears out from Pappenburgh (wherever that may be,) whose ultimate destination is Rotterdam (a port somewhat better known) with a licence, bearing that she is to touch at the Downs; is it not obvious that she may make directly for Rotterdam, if she can escape our cruisers? Those who are acquainted with the proceedings in our Admiralty courts, know well how often the licence is used in this manner, and that the vessel describes the string instead of the bow, if I may use the expression. There is no possible way of preventing this, but by covering the whole of the enemy's coast with your ships, and thus establishing a real, and not a paper blockade. And it is to be borne in mind, that there is not one of those cargoes allowed to be imported into France, which is not attended with as much gain to the enemy as to us. I ask, what is the effect of all this? The effect is, that the number of seamen and amount of tonnage of this country, compared with that of the foreigners engaged in our trade, which in 1806 and 1807 were nearly equal, in 1809 assumed a very different proportion; and in 1810 there was an increase in the foreign shipping of upwards of 1,100,000 tons, and an increase of foreign seamen of more than double the number which the enemy had in the Scheldt and elsewhere, only four short years before—namely of from 29,000 to 60,000! If this fact does not dispose us to inquire into the consequences of these measures, I know not what will. What a nursery of seamen for the fleets of the enemy had this system prepared! No wonder that the ship-owners of Hull and Shields will complain of the measures. If such be the ground of their complaints to parliament, and if these complaints are even borne out by the Custom-house papers of the right hon. gentleman opposite, I think I ought to expect even the support of that right hon. gentleman himself to my motion. It appears that even the ship building is falling off considerably in this country; and that comparing 1809 with 1806, there is a decrease of one-half. The tonnage of 1811 is not yet presented. Such are the grounds on which I call on the House for inquiry. All this increase of foreign tonnage is at the expence of the tonnage and seamen of the Americans, a nation altogether harm-

Digitized by Google

less, and naturally friendly to us; a power with whom we have no rivalship—from whose prosperity and greatness we have nothing to apprehend; and we have thrown this increase into the hands of powers naturally hostile to us, and either subject to or at the disposition of our enemy.

Now, Sir, let us inquire what has been the effect of this Licencing system on our own country. Sure I am it is altogether novel in England,—not that trade should be interfered with, for that has formerly been frequently done, generally by laws, and particularly by Orders in Council, (though seldom much to its advantage)—but that this interference should be systematical, and that every day in the year trade should be controlled by the executive government. The trade of the country, at this day is not carried on by merchants residing at Liverpool, or London, or Hull, or any other of the great commercial cities, but by the President or Vice-President of the Board of Trade.—That body, for whom, as individuals, I have the highest respect, is not now employed as formerly, in devising means of hostility towards the enemy, or of protection to our own trade; but the whole of their mornings are occupied with the assortment of cargoes, with inquiries after what goods are best calculated for this or that market, and with settling the proportions of the various sorts of goods that ought to be carried out in vessels of a given burden; an employment to which, with whatever respect I may entertain for them, I cannot but think, that of all human beings they are the most incompetent. I am speaking of the right hon. the Vice-President of the Board of Controul (Mr. Rose) not in his political capacity, not in his natural capacity, but merely in his mercantile capacity. (Laugh.) I may entertain a very different opinion of him in the one and in the other; as in the same manner I may entertain a very different opinion of an hon. Secretary of the Treasury (Mr. Wharton) in his official and his poetical capacity—I allude to an hon. gentleman opposite who came out lately to the world as an epic poet.—It certainly wears rather a strange appearance to see the President and Vice-President of the Board of Trade—to see these noble and right hon. politicians spending whole mornings in laying their heads together, and determining with the utmost attention and gravity whether one cargo should consist of cotton, or of wool—whether scissars should be added—whether nails should be added to the scissars—whether the scissars or the nails should be left out—or whether the commerce of the country might or might not be ruined by throwing in a little hemp along with the nails and the scissars! (Laughing.) These are now the lucubrations of the right hon. gentleman and his colleagues. Now with all the respect possible for the right hon. gentleman in his political capacity, I really feel so little respect for him in his capacity of tradesman, that I tremble for the consequences of leaving our commerce to such management.

But this system of controul and interference is not all; there are abuses connected with the granting of licences which speak powerfully in favour of the present inquiry. I do not mean by abuses, to say that I think any undue preference is shewn in the granting of these licences, or that any unjustifiable motive at any time is the cause of their refusal; but with every allowance for purity of motive in the right hon. gentleman and his colleagues, I contend that there are abuses to which, from the nature of things, this system is inevitably exposed. It came out lately, that by the mistake of a clerk in one word a paper was delivered from the Licence office, for which my hon. friend near me, one of the greatest merchants in the world (Mr. Baring,) said he would willingly have given 15,000*l*. This is a circumstance which surely ought to make us pause. Is it not dreadful that our trade should be carried on in such a manner that an effect like this may result from so trifling a mistake? It is nothing to the purpose to tell us that that fabricated paper was the consequence of a clerical error. All this may be very true; but who knows whether this was the only mistake, and whether this beneficial error may not at a future period give a pretty significant hint for repeating the error designedly? Besides, are there no other modes of preference? Is the system liable to no other abuse? Can no other favour be shewn but this? What is the House to think of the opportunities which some gentlemen must have of obtaining information compared with others? Some hon. gentlemen are more nearly connected with the right hon. gentleman than others, and have more opportunities of hearing his sentiments. He, like other traders, has his particular customers, with whom he must naturally be more disposed to converse than with

Digitized by Google

others; for I presume the right hon. gent. does not act without furnishing himself, by communication with some commercial men, with the knowledge necessary for his business. Now these favourite customers may in all probability be much more cunning than the right hon. gentleman is aware of, and, with all due confidence in his sagacity, it is not unlikely that while he is consulting different individuals with respect to what assortment of goods may best fit at one time, or what at another, he may allow them to leave him persuaded of the importance of the information he has derived from them, while they are as perfectly satisfied with the intelligence which they have contrived to ferret out of him.

I am sure that the right hon. gent. opposite (Mr. Canning) who not long ago held the seals of the Foreign Office, is very sensible of the number of persons who are always prowling about in order to learn something that may be turned to advantage. They strive in the first place to get at the principal, and to enter into conversation with him, always on the watch to catch something for their purpose. If they cannot see the principal they resort to the secretary; if the secretary is not to be had they try the clerks, and when they find these inaccessible they fasten upon the very door-keepers, and in short, employ every effort that cunning and a keen sense of interest can suggest to pick up little odds and ends of information. But if this system is resorted to at the Foreign-office, and if such information is somehow or other frequently obtained from persons of the utmost purity of motives, how much more must the Board of Trade be open to abuses of this sort? In the Board of Trade it is necessary to consult and converse with interested persons; and when questions are put to practical men, if they have the usual acuteness of British merchants, they will soon know from the right hon. gentleman what he is about to do. It is giving to such men as great an advantage as it would be for the Chancellor of the Exchequer to tell a stock-broker what was to be the amount of the next loan, when he proposed to fund a large amount of Exchequer Bills, or at what precise period peace or war would take place in the country. Indeed the information to be had at the Board of Trade under the present circumstances, is far more lucrative; and probably as brisk a trade is carried on in this way between Lombard-street and Westminster, as that carried on by licence under the Pappenburgh flag. But who were the persons who would be found thus waiting on the right hon. gentleman? There indeed will not be found the hon. member near me, nor the hon. member for Worcester, nor any of the members for the city of London, clearing inwards and outwards (a laugh) No such respectable individuals will you find there; but you will find, besieging the doors of that office, ample exports and imports from Lombard-street and Duke's place—neutrals under the controul of the enemy, and their jobbers, Jews, persons of the description of Jews, and brokers of merchants resident in the north of Germany, who have their agents here for the purpose of managing their commercial transactions. These are the persons with whom the vice-president of the Board of Trade consults. In this manner you furnish the enemy with the means of knowing the course and current of trade at every instant. The Orders in Council and the Navigation Laws are general measures; but here you have another system by which the enemy has the means of knowing at all times what articles you wish to have exported, and what you wish to have imported from the continent; and by this means it is his own fault if he does not put that commerce completely within his controul.

But the last and most deplorable consequence of this licensing system, is the effect which it is producing on the morals of the trading part of the community of this country. Here I implore the attention of the House, and the attention of the hon. gentlemen opposite (would to God I could appeal to them in a more effectual manner), and intreat them to consider the consequences of giving continuance to a traffic which has so often been described as "a system of simulation and dissimulation from beginning to end." These are the words of the respectable Judge who presides in our Courts of Admiralty, who as he owes in that capacity allegiance to no particular sovereign, is bound to mete out justice equally to the subjects of all nations who come before him. This is the language of the right hon. and learned gentleman alluded to, but in my opinion, it would be still more accurate to say that it is a system which begins with forgery, is continued by perjury, and ends in enormous frauds. I will read

Digitized by Google

a clause from the first licence that comes to my hand—for it is in them all—in 18,000 licences a year—and it is a clause which demands the most serious attention of the House. What are we to say when we find that the government of the country lends the sanction of its authority to such expressions as the following, in the licences from port to port: "The vessel shall be allowed to proceed, notwithstanding all the documents which accompany the ship and cargo may represent the same to be destined to any neutral or hostile port, or to whomsoever such property may appear to belong." Notwithstanding, says his Majesty in Council—at least his Majesty is made to use such language—notwithstanding, says this paper, which is countersigned by his Majesty's Secretary of State 18,000 times in a year, this trade is carried on by fraud and perjury, we will sanction that foulness, and we will give orders that these ships shall be enabled to pass through the British fleets. Perhaps the full import of this clause is not known to the House. It is proper they should be informed that papers are put on board stating the actual place from which the ship cleared out, signed in the proper and usual manner, with letters from the ship-owner to the proper persons; and that these real documents form what is called the ship's papers. By this licence the captain is enabled to take on board another set of papers, which are a forgery from beginning to end, and in case his vessel happens to be overhauled by our cruizers, he escapes detention. If the ship happen to clear from London, it is perhaps said to clear from Rotterdam, and the proper description is made out, as nearly as possible, in the hand-writing of the Custom-house officer at Rotterdam, and if it be necessary that the paper should be signed by a minister of state, as is the case in Holland, his hand writing must be forged, frequently that of the duke of Cadore, or perhaps, as I happened to see the other day, that of Napoleon himself. Not only are the names forged, but the seal is also forged, and the wax imitated. But this is not enough. A regular set of letters is also forged, containing a good deal of fictitious private anecdote, and a good deal of such news from Rotterdam as might be supposed to be interesting to mercantile people, and a letter from a merchant in Rotterdam to the ship owner. Thus provided, the vessel sails, and the object of the clause in the licence which I have just read, is to prevent her from being seized by any of our cruizers who may intercept her. This is what is meant by the general expression of—"Notwithstanding all the documents which accompany the ship and cargo may represent the same, &c. &c." So much for the system of forgery on which this licence trade rests; but all this is not enough. All this must be done with the privity of the merchant here, and of his clerks. That most respectable branch of society, and these young men, whom they are initiating into trade, are no longer at liberty to follow the system, by which our Childs and our Barings have risen to such respectability and eminence; but from their very outset in life, are now to be initiated in the humiliating mysteries of this fraudulent commerce. All these forgeries, too, are confirmed by the solemn oaths of the captain and crew when they arrive at their destined port. They are obliged to swear in words, as awful as it is possible to conceive, that all these documents and letters are genuine. Every sort of interrogatory is put to the captain and the whole crew, which is calculated to discover what is the real port from which the vessel sailed, and to the truth of the answers to all these interrogatories the captain and the whole crew are obliged to swear. They are obliged to declare from what quarter the wind blew when they left Rotterdam (although they were never near the place,) when they took a pilot on board, and a number of other particulars, which they are obliged to asseverate on the most solemn oath, which it is possible to conceive; knowing at the same time that they sailed from London and not from Rotterdam, that they took no pilot on board, and that their other statements are utterly false. So that, under this system, the whole crew and captain are under the necessity of perjuring themselves, if they wish to act up to their instructions. In confirmation of these statements, I will read to the House a letter of a most curious description which has been put into my hands, written to an American merchant, of the highest respectability, the contents of which would be extremely ludicrous, if the contemplation of them were not accompanied by a feeling of disgust at the moral depravity it displays. It is written by a professional man, not that he is either a lawyer, a physician, or a

Digitized by Google

divine, for he would be a disgrace to any of these honourable occupations; but he is a man who has made the forgery of ship's papers a regular and organized profession. I shall omit the names of any of the parties, because I should be sorry to injure individuals, whose only connection with the writer has been, that he has dared to send them this most atrocious circular. It is as follows:—

"Liverpool, ———.

"GENTLEMEN—We take the liberty herewith to inform you, that we have established ourselves in this town, for the sole purpose of making simulated papers [Hear, hear!] which we are enabled to do in a way which will give ample satisfaction to our employers, not only being in possession of the original documents of the ships' papers, and clearances to various ports, a list of which we annex, but our Mr. G—— B—— having worked with his brother, Mr. J—— B——, in the same line, for the last two years, and understanding all the necessary languages.

"Of any changes that may occur in the different places on the continent, in the various custom house, and other offices, which may render a change of signatures necessary, we are careful to have the earliest information, not only from our own connections, but from Mr. J—— B——, who has proffered his assistance in every way, and who has for some time past made simulated papers for Messrs. B—— and P——, of this town, to whom we beg leave to refer you for further information. We remain," &c.

Then follows a long list of about twenty places from and to which they can forge papers (having all the clearances ready by them, from the different public agents) the moment they receive intelligence that any merchant may need their assistance in this scheme of fabrication. And, is it come to this? [Hear! hear! hear!] Is this the sort of trade carried on by British merchants? Is this the way in which we are to defeat the designs of Buonaparté? Is this the mode by which we are to make him bite the dust? Which of the two contending powers is subdued by the respective systems adopted against each other, that which has openly sacrificed its commerce, which says, "We will have soldiers and peasants but no traders;" or that which, to the abandonment of all national honour, maintains such a foul, such a filthy commerce as that on which gentlemen on the other side contend the existence of our commerce depends? If this be the triumph of England and of Englishmen over the continental system—if this be all for which our soldiers cheerfully bleed on the fields of victory, I shall soon be ashamed of the title which I hope still to boast, a representative of free, independent, honest, British traders, and I will not be one of those who will go in processions of triumph, which, instead of glorious trophies and banners, presents to my mind nothing but an assemblage of gibbets and halters. These are transactions which ought to be as much a source of grief to ourselves, as they are a source of reproach against us by foreign nations.

I know that the right hon. gentleman will tell me, that if these crimes were not committed by us, they would be perpetrated by others. That if our merchants in Liverpool refused to fabricate papers, those of Boston would not be so scrupulous. In answer to this assertion, I shall merely say, that the argument is not new. It has been hackneied over and over again (in the absence of a better) on other subjects. I remember it; and in the recollection of the hon. member for Yorkshire it must still be fresh. It is the old and favourite argument used on the long debated question of the Slave Trade, by which the ministers of the day were scandalized, and by advancing which, if by nothing else, the memory of lord Sidmouth will be perpetuated as long as a sense of shame is retained in this or in any other country.—"Oh!" said they, "if we abandon the Slave Trade it will be carried on by others, and perhaps humanity will suffer in the exchange." It may be so, but I repeat, as applied to this subject, what my hon. friend (Mr. Wilberforce) then so forcibly and truly urged on that occasion, "In God's name let it be carried on by others, we will no longer let our hands stained with human blood be the accusers of our hearts."—I say, let this nefarious practice be adopted by any other country, by America, if it be not too honest, by Pappenburg, or some of the dirty ports of Denmark: but let it not receive the sanction of the British government. Let it be no longer said that England, whose merchants in former and happier times were held in universal estimation for probity and honour, have forfeited a character by the preservation of which alone they can claim a just right to the privileges of humanity. Weighing,

Digitized by Google

therefore, all these circumstances, which I am too much exhausted, and the House too much fatigued to recapitulate, I ask any honest and impartial man, whether sufficient ground has not been laid for inquiry, in order to ascertain whether there be or be not any remedy to the grievous evils, some few of which I have enumerated? If I am asked what remedy I would apply, I say, let us first go into the inquiry. How is it possible to prescribe till the full extent of the malady be known? Different views may be taken by different persons; but do not let us turn an inattentive ear to complaints "that would cure deafness:" let us go into a committee to learn the cause and effects of the enormities I have stated.

If, as an humble individual, I might venture an opinion, I should say, without a moment's hesitation, conciliate the Americans; let us do all that lies in our power to protect, maintain, and support their neutrality; but do not let us drive them to the extreme of making an election injurious to them but fatal to us.—Do not let us force them to chuse between a French alliance and an English alliance; but at all events let us avoid occasioning the greater of the two calamities, an alliance between America and France, which would inevitably lead to a war between America and England. We need not be afraid of going too far towards conciliation. I should be the last man in the nation to insinuate, that because the people of England are distressed we should assume a lower and more humble tone. I would not recommend it, because I should be speaking a language at which my heart would revolt against my tongue; but let us not be falsely proud and refuse this inquiry from the weakest of all weak fears, the fear of acknowledging that we have formerly committed an error. There can be no rivalry between the two countries—they are disposed to friendship, and since the population of both is chiefly composed of merchants and farmers, their interests are too much united to allow them to proceed to hostilities without the most imperious necessity. Let us employ our army and navy, to whose victories we are indebted for our independence, to protect those who require our support; let the tree of liberty expand its sheltering branches over other countries than our own; but let us not insult those who are anxious to continue in amity with us. I know that the motion I have to submit will receive the approbation of the people—I trust it will obtain the sanction of the House—If it do not, I shall have the satisfaction of feeling that, however others may forget their duty, I have discharged mine.—I will conclude, Sir, by moving, "That a Select Committee be appointed for the purpose of taking into its consideration the present state of the commerce and manufactures of the country, particularly with reference to the effects of the Orders in Council and the Licence Trade."

Mr. *Rose* expressed the sincere pleasure he felt that this important subject was about to undergo a full and impartial discussion, because he was persuaded that the more it was examined the more apparent would be the benefits resulting from the system which now received the sanction of government. However deficient he might be in eloquence, the facts he should adduce would be amply sufficient to subvert the fabric which it had cost the hon. and learned gentleman so much pains to raise. He was not disposed to deny that the condition of the manufacturers in various parts of the country was much to be commiserated, but their discontent did not arise so much from a want of work as from a diminution of wages. In Birmingham, particularly, a greater degree of calamity was felt than in any other town in the empire; because the trade of that place depended, almost more than any other, on the connection with America. But, when the hon. and learned gentleman proceeded to contend that these distresses were general, and being general, were produced by the Orders in Council, he wished to enquire, whence the hon. and learned gentleman had derived the information on which he founded his statement? In fact, the papers on the table, so far from supporting, directly contradicted the assertions of the hon. and learned gentleman. And here he felt it proper to observe, that the hon. and learned gentleman appeared very much disposed to object to the accuracy of Mr. Irving's figures, when they were unfavourable to his argument; but he was quite ready to deduce inferences from them, when he considered them as at all leaning to his side. He (Mr. Rose) was persuaded, that there never had been a fair question of doubt raised on the correctness of the Custom-house accounts, which were by no means justly liable to the observations made on them by the hon. and learned gent.

Digitized by Google

He would now proceed to an examination of the facts connected with the statement made by the hon. and learned gentleman. The Orders in Council were issued in the year 1807, and it would be proper to consider, by comparison, what effect they had had on the export trade of the country. In the year he had just mentioned, the exports amounted to 34,566,572*l.*; in 1808, they were 34,554,267; in 1809 they had increased to no less than 50,286,900*l.*; and, in 1810, they were 45,869,860*l.*;—a great and evident increase from the year 1807. The hon. and learned gentleman had spoken of 9,000,000*l.* of British exports having been seized by Buonaparté, in the year 1810; and that, for the express purpose of getting possession of this property, he had, for a short time, suspended his own decrees.—That the act alluded to was one of great and unjustifiable violence, no person could doubt; but how did the fact stand? The decrees were relaxed from the end of 1807 to 1810, and for two years previous to the seizure complained of, the trade to the Baltic had been conducted with the utmost advantage, and it only arose from accidental causes of wind and weather, that Buonaparté was enabled to apply the cargoes of several hundred ships to his own use; but the truth was, that this trade had nothing to do with the Orders in Council, and the destruction of the trade so vehemently enforced was, in truth, an augmentation from twenty-five to thirty millions. A few years since it had been as boldly said, as it had been to-night repeated, that our trade with America would be annihilated; and he then took occasion modestly to express his opinion, that if a Non-Intercourse law were passed in the United States, the commerce with the Spanish and Portuguese colonies might be carried on directly from Great Britain. Experience had fully confirmed this opinion. In 1807, our exports to America and the West Indies amounted to 14,900,000*l.*; in 1808, notwithstanding the partial prohibition in the United States, to 15,800,000*l.*; in 1809, to 19,200,000*l.*; in which last year, be it remembered, the American Non-Intercourse act was carried into effect; yet, notwithstanding that, in the year 1810, the exports to all America and the West Indies, amounted to no less a sum than 20,418,000*l.* And from this it appeared, that, between the years 1807 and 1810, an increase to the amount of six millions sterling had taken place in the export trade of this country to all America Did he mean from thence to argue that England ought to be indifferent to her connection with the United States of America? By no means: he had always contended, and he always should, that the interests of Great Britain and of America were closely united. But it was too much to expect, that this country should allow America to treat her differently from other states.

Reverting to the seizures which the hon. and learned gentleman said had been made by Buonaparte, he begged leave to observe, that, instead of nine millions being thus borne away, not more than six or seven had fallen a sacrifice to his arts. The ships seized by him, were, at the time, trading under the system of neutralization; and the loss was sustained by an unfortunate coincidence of circumstances; by a non-adherence to the place of rendezvous which was appointed, and suspicion as to the danger which threatened the property being asleep.

The hon. and learned gentleman had talked a great deal of the information which people, of a variety of descriptions, had derived from him (Mr. Rose.) He did not know whence the hon. and learned gentleman had derived his intelligence; but this he could assure him, that he was completely and entirely mistaken with respect to the kind and class of company which he was in the habit of entertaining. What connection the individuals, whom the hon. and learned gentleman had so humorously described, might have with the door keepers and messengers of his office, he could not say; but undoubtedly they had no access to him. He himself, and the noble lord at the head of the Board of Trade, had been accused by the hon. and learned gentleman of spending their mornings with Jews and Brokers, for the purpose of selecting and assorting cargoes for exportation. Here the hon. and learned gentleman was again mistaken. This was not the object of their consideration; nor were the persons they met of that description. The object which engaged them, and the respectable gentlemen whom they consulted, was, to determine on what articles it was safe, fit, and proper, to allow to be imported into Great Britain.

In answer to the hon. and learned gentleman's assertions, as to the supposed injury which the shipping interest of Great Britain had sustained, in consequence of

Digitized by Google

the licencing system, he would beg leave simply to state the fact. By accurate calculations he would shew, that, since licences had been resorted to, the tonnage was greatly increased. In 1807, the British shipping employed was 1,436,000 tons; in 1808, 1,511,000; in 1809, 1,539,000; and, in 1810, 1,609,000 tons were engaged. So that now there were 200,000 tons of British shipping employed in addition to the quantity, which, prior to the Orders in Council, had been engaged. When the Orders in Council were first resorted to, 88,900 seamen were employed in British mercantile transactions; at present, not less than 102,000 seamen were so engaged—making an increase of 14,000 seamen. He was willing to admit that foreign shipping had increased in a greater proportion; but if such shipping had not been employed, what would have become of British commerce? How could the trade of Great Britain have been carried on with those various ports of Europe, which were shut against British vessels? He would ask the House, would government have been justified in permitting the manufactures of the country to rot and perish in warehouses, rather than employ foreign vessels in the distribution of them through the world? From the general habits of his life, no one, he was convinced, could suspect him of being insensible to the distresses of the ship-owners. But, he put it to the House, he put it to the hon. and learned gentleman opposite, whether it was possible to stand by, in cold blood, and see the manufacturers of the country starving, rather than permit the produce of the country to be exported in foreign ships? Besides, the rate of the transport service would shew that no material injury had been sustained by the British shipping interest. This he thought could be made very evident from a comparison of the rates at different periods. In the year 1807, when the Orders in Council were originally issued, the rate was 19*s.* per ton; but, at present, it was no less than 25*s.* per ton—a clear proof, in his mind, that the great body of the shipping of the country was constantly employed. Even with respect to Hull, a place more likely to suffer than any other, by the pressure of the times, he had good reason for stating from private information which he had obtained from thence, that there was not a ship belonging to that port, which was not at present either absolutely engaged, or on the point of being employed.

The hon. and learned gentleman had asked, why were not American vessels made use of? The answer was, they experienced exactly the same treatment with other neutrals—no distinction had been made. It was therefore most unfounded to say, that any partiality had been evinced in favour of one state or of another by government, but a preference was given by the merchants to other foreign ships, as being safer, and less liable to suspicion in the continental ports. The trade with the Spanish and Portuguese settlements of America was at least equally advantageous with that which had been recently carried on with the United States. In proof of this, it must be observed, that for the last ten years the American trade had been carried on from a seventh to a twenty-third part in British shipping. When the commercial treaty of 1797 was concluded with America, it was founded on the principle of reciprocal advantage. There was a stipulation mutually to relax the duties on the importation of goods from the two countries ten per cent. on the gross amount of the customary duties. But no sooner had this treaty been concluded, than America doubled her imposts, while those of Great Britain remained stationary. Such a measure, every gentleman must see, amounted almost to a prohibition of the commodities of this country. Again, looking to the benefits which England would obtain from trading with the Spanish and Portuguese settlements, it was not to be forgotten that this country would not only derive the mercantile profits, but also those which were connected with the navigation. In his opinion, nothing could be more palpable than the disadvantageous situation in which Great Britain would have been placed, but for the intervention of the Orders in Council: if it had not been for them, France would have possessed the great benefit of trading with all the ports of Europe, which were shut against England, and she would have been enabled to furnish herself, from America, with every article which she wanted, particularly with the raw materials for her manufactures—and, above all, with cotton, respecting which manufacture she had latterly shewn great anxiety.

What had been the origin of the Orders in Council? France said that there should be no trade to England. Our answer was—an answer which we had the power to enforce—that nothing should go to France that did not come to her through England.

Digitized by Google

We had a right to say to neutral powers, that if they tolerated a regulation of one of the belligerents inimical to our commercial interests, they must tolerate a regulation on our part in defence of those interests. Nothing hostile was intended towards America. On the contrary, every degree of attention and kindness was shown to her by Great Britain. The conduct of France towards America was directly the reverse. Had Buonaparté seized none of her shipping, and had he not, going beyond what the laws of nations allowed, decreed, that every ship coming from England should be confiscated? An immense confiscation of American property was the consequence; but the United States passed over the insult unnoticed. Encouraged by this supineness, Buonaparté went further, and on advice of his Court of Admiralty, determined that any French cruizer that fell in with an American vessel, which she supposed was on a voyage to England, might burn and destroy her. Then followed the Milan Decree, and on a remonstrance being made by general Armstrong, the duke of Cadore, the French minister, replied, "that the conduct of France was consistent with the eternal principles of justice." The Decree of Rambouillet was the close of that scene of iniquity, which America had tamely allowed to be acted before her eyes. The Orders in Council, on the contrary, were not promulgated until it was perfectly well known in the republic, that such would be the conduct of Great Britain. It had been said, that the French decrees had been revoked; but on no foundation. In a recent prize cause, on a vessel called the Catherina Augusta, it was allowed that the Berlin and Milan decrees had not been rescinded. An original letter was produced during the proceedings, dated in September last, in which the merchants at Rotterdam state, that "it is true that the Decrees of Berlin and Milan have not yet been publicly repealed." An American vessel in ballast, with an American master and American seamen, from London to Charlestown, had also been carried into Calais; and no longer ago than November last, the captain and owner presented a petition to Congress, praying their interposition, and alleging that the vessel so captured was taken on the sole ground of a supposed infraction of the Berlin and Milan Decrees, by the vessel having sailed from an English port. But the House was told, that there had been no condemnations in France under those Decrees, subsequently to the 2nd Nov. 1810. Of this he could not speak; but no one would deny that there had been sequestrations to a considerable amount; and in these times in France, the distinction between sequestration and condemnation was merely nominal; while on the contrary the conduct of the British High Court of Admiralty had been marked with liberality, almost amounting to injustice towards ourselves; and which had rendered the eminent individual at the head of that court as popular in America as he was in England. Much had been stated, with most imposing eloquence, on the evil consequences—the immoralities—arising from the system of licencing. The fact was that every syllable which the hon. and learned gentleman had uttered on the subject of simulated papers was applicable to the period before the Orders in Council and the Trade Licences were issued; and he would state, without fear of contradiction, that the latter had very much checked the perjury and fraud complained of. Before the Orders in Council and the Licences were issued, it was necessary for every captain of a ship to take an oath at the Custom-house, relative to the size of his ship and the number of his men. This was discontinued, and he knew of no oath substituted. To all those shocking perjuries which were formerly frequent in Doctors' Commons, there was now no temptation. That perjury prevailed as a system before 1807 was notorious; and a house was established at Empden, which, for frauds of that kind, received a regular commission of two per cent. He had enquired particularly into the subject, and he was assured, by masters of neutral vessels, that they were not called upon to make any affidavits on the other side of the water. Under these circumstances, was it fair for the hon. gent. to come down and brand the national character with the imputation of systematic perjury? Were the Orders in Council and the Licences abolished, then indeed the country would return to that system of neutralization under which perjuries were formerly so frequent.

Reverting to the distresses of the manufacturers, he allowed that distress existed to a considerable degree, but expressed his persuasion that great arts had been used to make the suffering individuals believe that their evils originated in the Orders in Council. Those persons had certainly

Digitized by Google

borne their distresses with a patience and a fortitude which entitled their present complaints to the most indulgent attention; but it was impossible to convince him that the greater part of the individuals who put their names to a petition against the Orders in Council, were at all competent to ascertain the mode in which those Orders operated; and of this he was assured, that their sufferings would be materially encreased were those Orders rescinded. He then took a view of the exports of the current year, which, though depressed, yet exceeded in a considerable degree what they had amounted to in 1803 and 1804. From this, he thought he was warranted in asserting, that the despondings statements which had been made with regard to the existing state of the country, were either exaggerated or wholly without foundation. The country was in no danger of ruin, while so flattering a comparison could be made. Would the hon. and learned gentleman contend that England was not a great and flourishing country in the year 1804? He believed that it had never been denied that she was; and, therefore, he could see no ground at present for asserting that she was in so bad a state from the depression of her trade—as, notwithstanding that depression, her exports were still considerably above what they had been in the years he had before mentioned. The hon. and learned gentleman had contended, that the goods exported in the year 1809 had not been able to find a market. In that assertion, however, he was obliged to contradict him, and could inform him that they had found a market—and still further, that our goods had continued to find a market until the month of March 1810. He presumed that he need not inform the hon. and learned gentleman, that the produce of our colonies and fisheries was included under the head of imports. This being the case, however, it would appear that our exports, compared with our imports, did not determine the balance of trade.

As to what had been advanced with regard to the excessive issues of Bank paper in England, he had to observe, that our Bank-notes had risen, within the last two months, according to the rate of exchange at Hamburgh, 10 to 15 per cent. and he did not entertain a doubt, that if the present favourable aspect of affairs continued, a more extended improvement would take place in the exchange. He had to state, besides, that the price of gold bullion was falling. These were facts that completely refuted what had been advanced so confidently on the other side during the debates on the Bullion question.

He proceeded to contend, that the conduct of this country towards America had been uniformly conciliatory. In turning to the subject of the repeal of the Orders in Council, he wished to offer some observations to the House, and especially as to the grounds upon which it was maintained that that repeal should take place. We were told that the French had repealed their decrees, and that therefore we ought to repeal our Orders: but the duke de Cadore said, that they should be repealed when England gave up her right of blockade: and upon this the question rested. America also said, it was not our Orders in Council that she wished to have repealed, but she distinctly required of us to repeal so much of the prior regulations of 1807 as would give greater liberty to her traffic. What, however, would be the infallible consequences of repealing the Orders in Council, and of giving up the Licence trade? To open to France and America the trade of the whole world. America would then carry the manufactures of France, and all the colonial produce, to the different ports of Europe; while England would be excluded from all participation in a commerce which she would thus provide for her enemy. We should then too behold, instead of a correction of frauds and perjuries, all those neutralizing gentlemen in our Admiralty courts again, who had realized such large fortunes on former occasions, and under the operation of a different system. The plan of the Orders in Council had not been adopted from any hasty suggestions, or any sudden start of policy; a body of the most respectable merchants had attended the Board of Trade for the purposes of consultation; and most of the cabinet ministers had been present. The trade of this country had continued to prosper under their operation until last year, when it suffered in consequence of the adoption of measures on the part of the enemy, which, he believed, had never been made use of by one nation towards another. The consequence of this unprecedented line of conduct was now recoiling on themselves. In cases of an ordinary description, it did not afford much consolation to one country, under circumstances of distress, to be satisfied that another

Digitized by Google

country was placed in a similar situation; but in this instance there was a satisfaction in knowing that those measures which the enemy had recourse to, for the purpose of inflicting an injury on us, were acting with increased force against himself. He could make it appear, from a reference to official documents, that the revenue of France had suffered considerably by those very measures. In 1807, the amount of the French customs was 2,400,000*l.* sterling; in 1808, after the issuing of the Orders in Council, it had decreased 740,000*l.*; and, in 1809, 460,000*l.* more, notwithstanding a great increase which had been made in several of the duties. In 1810, it had again risen to 2,000,000*l.*; but this augmentation arose from the proceeds of the vessels seized in the Baltic; it had resulted from the robberies committed on individuals. The discounts of the French bank, in the year 1810, were 30,000,000*l.*; in 1811, they had fallen to 16,000,000*l.*; the profits in the former year were 10,000*l.*; in the latter, they were only 4,500*l.* It was thus apparent, that the profits of the French bank were reduced to so small a sum, that there was scarcely a bank in England, conducted by private individuals, which did not divide as much. These statements were derived from authentic documents, and from the same documents it appeared also, that the French manufactures exported in 1810 amounted to fifty-four millions sterling, with a population of thirty millions; while we, with a population of only twelve millions, exported, in the same year, to the amount of fifty-six millions sterling. Had it not been for these Orders in Council, however, now so much decried, we should have been counteracted every where—they had been and still were our only protection. He would ask, in reply to the hon. and learned gentleman who had so strongly condemned the licence trade, as employing foreign seamen and vessels, and which he described as proceeding from the Orders in Council, in what manner our trade was to be carried on? It would be, in his opinion, a deplorable trial for our manufacturers were we to suspend all trade, all commerce, while we were endeavouring and contending for the admission of British ships into the ports of the continent. Considering, therefore, as he did, the Orders in Council to be a measure of sound policy, and manifest utility to the country, he should conclude with expressing his anxious hope that the House would not go into a committee to enquire into a question which laid wholly upon the surface, and amounted simply to this, whether we should open the trade of the world to France or not?

Mr. *A. Baring* regarded the subject as one of so much importance, that he could not think he discharged his duty in that House, if he permitted it to pass without offering a few observations. The question seemed to be, not whether the Orders in Council should be repealed, but whether, from the general and evident distress in every part of the country, there must not be something radically wrong in our commercial system, which called for inquiry. This appeared to him more particularly the case, when we were told, as we had been by the right hon. gentleman, that our shipping, our trade, and every thing connected with them, were in a prosperous state. What that inquiry, however, would be, to what it would specifically lead, whether to establish the fact that the Orders in Council had completely failed in their original purpose, whether they were radically bad, or whether the licence system had arisen from them, was for the future consideration of the committee moved for by his honourable and learned friend. For himself, he had no hesitation in stating it as his opinion, that our first deviation from the strict line of sound policy, was when we issued those Orders, when we listened to the bravadoes of France, and fettered and interrupted neutral commerce by our retaliatory system. We had struck at American commerce, and we had substituted for it a French commerce, which the gentlemen on the other side must well know. He decidedly condemned the sort of neutral trade, if it might be so called, which was now carried on; and if it were possible to substitute an American carrier for those sham neutral carriers, he thought it would be highly for the benefit of the country, an opinion which, he believed, none would be prepared to deny. In examining whether our Orders in Council had failed or not, it would be necessary to consider what was the professed object of their institution. We were, at that time, carrying on a good trade; but a neutral was also carrying on a good trade, and we hoped that our Orders in Council would suppress that neutral's trade, and transfer it all to ourselves. Had such been the case, however? We had, indeed, put an end to the trade of the neutral, but had we got it all for ourselves? We had

Digitized by Google

not. That sort of grasping policy had been defeated, as it always was, and as it always ought to be. The right hon. gentleman admitted that our trade with North America had fallen off, but then, as a sort of counterbalance, he maintained that our trade to the whole of that quarter of the globe had increased. There was a fallacy in this argument which he would point out. It should be remembered, that when the United States re-exported the manufactures of Great Britain to the Spanish colonies we were at war with Spain, and therefore they did us a benefit, as a neutral state, in carrying on a kind of smuggling trade for us with those places. When we came to peace with Spain, there was no fear that America could rival us in these markets. The general increase with regard to the other parts of America, arose from what went to the Brazils, and which formerly went through Lisbon, but which was now conveyed direct from England. He had looked also into the amount of exports to Spanish America from the United States in 1807, and he found that they did not quite amount to one million sterling.

Much had been said by the right hon. gentleman about the effect which the repeal of the Orders in Council would have on the manufactures and commerce of France. He was, however, thoroughly convinced in his own mind, of the soundness and accuracy of his hon. and learned friend's assertion, that there was a decided hostility in the present ruler of France, to all commerce, and to the progress of all manufactures. He would be able to receive cotton from America, said the right hon. gentleman, if those Orders in Council were repealed. But why did he not now receive cotton? There was nothing in the present state of those Orders, as modified by the Order of April 1809, which prevented America from going to Liege, to Flanders, &c. with her produce. If it were a question of manufacturing competition, however, the manufacturing interests of England had more to fear, for there was more real danger to them in the manufactures of Massachussets, than in all the manufactures of the French empire.—They were not speculative but real; they were rising daily into eminence, and if the present system was not put a stop to, they would soon attain to a height which no change of measures could reduce. It would surprise many persons to learn to what extent manufactures had increased in New England. They had the advantage of possessing the raw materials, and they had begun, already, to export the first article of manufacture, cotton twist. This he knew with certainty; he knew that a cargo of it had been sent to the Baltic. There was every reason to apprehend too, that with the facilities which America possessed, with a population which, with the exception of great towns, was as thick as in this country, she would soon be able to supply the southern part of that continent with her manufactures, if the present system was persevered in, especially considering the easiness of communication, the total absence of commercial restraints, and the want of a Board of Trade to direct her commercial operations. He was particularly anxious to impress upon the attention of the House, an opinion which he strongly maintained, that as competitors, the subjects of America were more dangerous to the manufactures of England, than those of France; and if the right hon. gentleman was sincerely anxious for the prosperity of our manufactures, and wished to secure them from successful competition, it was to that quarter he should direct his most serious thoughts.

In adverting to what had been stated by the right hon. gentleman as a proof that our Orders in Council had materially affected the interests of France, he thought that the customs of that country formed but a very insignificant part of its revenue. But, before even the diminution of those customs was received as a criterion, it would be well if the right hon. gentleman could make any thing like a calculation of what might be the value of the confiscations. If these were enumerated, and they ought to be so, the difference he apprehended would be great compared with that which now appeared; and he could not dismiss this consideration of the operation of the Orders in Council, without confessing that they had completely failed in every point of view. The only remedy was a repeal of them; and the existence of a real neutral would do away those tricks and frauds so justly complained of, and also the necessity of a pretended neutral who, in fact, was a real enemy.

The right hon. gentleman, in the course of his speech, had gone into a consideration of the question between America and this country, for the purpose of vindicating the British government. He did not pro-

Digitized by Google

pose to follow him minutely, or even to enter generally into the subject, as it was not immediately before the House, but one part of it required some observation. There were many gentlemen in that House who concurred in admitting that it would be well to conciliate America, by repealing the obnoxious Orders, but who shrunk from the concession because an opinion prevailed, and which was fostered by the government, that America had conducted herself so haughtily and so arrogantly, that it would be quite derogatory to our national honour to conciliate her by those means which she required. This required some explanation. The question now at issue between this country and America had no reference to the origin of these decrees; but whether we, having promised to repeal our Orders whenever the French decrees were repealed, such a repeal of those decrees had actually taken place as might call upon us for the fulfilment of our pledge—and whether America had urged her claims upon this subject in such an offensive manner as required from us a vigilance over our national honour, which might prevent us from sacrificing it to her arrogance. With regard to the first topic, he had read the correspondence between the American and English government, and it appeared from that correspondence that America considered France as having actually repealed her decrees. Our objection was, first, that the repeal was only conditional, namely, that France consented to repeal her decrees, provided that we repealed our Orders in Council; and secondly, that it was not *in toto*, as she continued to practise her continental system. He saw, however, no objection to the mode of this repeal. France agreed to rescind her decrees, provided always, that we did away our system of blockade; and in the correspondence between Mr. Foster and Mr. Monroe, it seemed to be perfectly understood that the blockade should cease. Suppose we had begun first; we might have justly said to America, we will repeal our Orders in Council, but remember that we consent to do so upon the distinct condition that France shall also repeal her decrees. Then as to the second objection, that the repeal was not perfect which seemed to be the subject of dispute—the part we objected to was, to use their jargon, the denationalising system; but, in proof of the complete repeal, the Americans affirmed that there had been no instance of confiscation since on that ground. Captures there had been, but no confiscations; and this was not contradicted by Mr. Foster, although he stated the duty of neutrals to be to force France to bring trade back to its former state. What, however, he chiefly wished to impress upon the attention of the House was, not so much whether these decrees had been repealed or not, as that, if the House should be disposed to institute an inquiry into our commercial situation, nothing had been done on the part of the American government, so arrogantly or so haughtily, that we might not enter dispassionately upon the discussions pending between the two nations. With regard, indeed, to the belief of the repeal professed by America, it was no more than the exercise of common courtesy between one nation and another. Suppose we had begun, for instance, in repealing; what should we have thought, if, when we had notified our repeal of the Orders in Council, America had distrusted our declaration, and had said she would wait for evidence, wait till we gave proof that we had really repealed them? She had, in fact, only confided in the French government, as one independent nation ought to confide in another.

The right hon. gentleman had talked of our maritime rights being insulted, and that was a cry which, whenever raised, would always rouse feelings of indignation in the country. He should be sorry to witness any improper insensibility on this important subject, but before raising the cry, it was important to consider the justice of it. Our maritime rights were great words for a toast at a public dinner at all times; but when used as they had recently been, he should expect at least to hear the meaning of such a flourish. The three points referring to this topic were, 1st, the impressment of seamen; 2dly, the rule of war of 1756; and 3dly, the blockade. America said, that the rule of 1756 was not consonant to the law of nations; but yet she had submitted to its operation, which had not caused any very serious discussions. As to the case of the seamen, she said that it was a very great hardship to have her ships stopped on the seas, and the men taken out, yet she had submitted to it, making only complaints, but not retaliations. It was unquestionably a great hardship, but it was a claim, he admitted, that under all the circumstances of our situation we could not safely give up. As to the blockades, the correspon-

Digitized by Google

dence of Messrs. Foster and Monroe shewed that there was an agreement on that point by their defining a blockade to be such as must be made with an adequate force. There was, therefore, in those points, no dispute of a nature to bring from America language which she had not held at all times, and under all circumstances. The claims of America on Florida he thought as unjustifiable, as the conduct of Buonaparté to other nations, or of any governor of the East Indies to the nabobs in that quarter. Here we were certainly justified in our opposition. The present system of our trade was, to render our whole commerce with Europe a system of licences, which encouraged frauds to a shameful degree. Formerly the intention of a licence was to prevent injury to the government; but now it went to direct and controul merchants in their own business. The right hon. gentleman said, that the frauds were not increased by the licences; but it was very difficult to believe that, when licences had increased from 1,600 to 18,000 a year, the increase of frauds did not keep pace with them. The scene had, indeed, now shifted. Formerly neutrals were persons living at Emden and other places; now they were persons setting out hence under the immediate sanction of the government, on a sort of Quixotic expedition to all parts of Europe with fabricated papers and forged passports. But setting aside the morality of the question, the business itself was most ill conducted. Why could not trade in general be rendered subject to some general regulation, instead of to this partial system of licences? He could not perceive any great objection to such a measure, if well considered. If the House would still persist in their support of the whole system of Orders in Council and licences, he yet thought that it would be most proper to go into a Committee, were it only to see how they could be generalized for the advantage of trade. He considered it almost impossible to select any number of competent persons out of the House who would not be of opinion, that the system ought to be materially changed; and concluded by expressing his decided concurrence in the motion.

Mr. *Stephen* regretted that any discussion should have arisen on the subject of our present situation with America, a rupture with which power he was most anxious should be avoided, and he was sorry the last hon. member had not, on this subject, followed the example held out by the opener of the debate, but had on the contrary gone out of his way after topics connected with an apprehended war. He should himself endeavour to avoid any deviation of this kind as much as possible, and should touch only on such points as might be necessary for placing the present question in a fair point of view. What was the proposition now before the House? Instead of being a motion for repealing the Orders in Council, it was a proposition for amalgamating into one, all the contradictory opinions on the subject. It embraced the usual parliamentary expedient on all such occasions, being a motion for a committee to inquire into the trade and manufactures of this country, especially in as far as respected the Orders in Council, and the Licence trade. This was very indefinite indeed: First, as to the Orders in Council. What Orders in Council? Was it on the whole Orders in Council? Was it intended that the committee should take into their consideration the whole volume now lying before him? As well might his hon. and learned friend move for a committee to consider the Statute book. He would not quarrel with the phraseology of the motion if it were explicitly understood, but did his hon. and learned friend, passing over the Orders in Council, January and November 1807, which were modified and so far superceded by the Order in Council of April 1809, mean to confine his inquiry to that Order in Council; or did he mean to extend it to the Order in Council of November 1810, which went to interdict the coasting trade of the continent? He was at a loss to know which he meant; because the hon. member who spoke last expressly said, that he would never consent to repeal this Order in Council—that he would never consent that France, even through the means of America, should have the carrying trade of Europe, or rather of the world. The hon. and learned mover, too, if he understood him, seemed himself to agree that the only Order in Council in question was that of April 1809. Before the House came to a vote on this subject then, was it not necessary to see to what the question was directed? Was it meant to transfer to a Select Committee of that House the whole of the functions which properly belonged to, and could alone be exercised by the cabinet? Was it meant that it should be delegated to them to determine, not if our manufacturers were in distress; but, if a neutral

Digitized by Google

power, (the only one probably now left) because situated in another part of the world, was to be permitted to carry on all the trade of the world? Was this committee to decide on all questions in which this country was interested, commercial as well as political? If all this was in the contemplation of the hon. and learned mover, he was satisfied there could be no person who must not be startled by it. For a committee so constituted what were the grounds? He had heard the hon. and learned mover, and also the last speaker, state the great distress of the manufacturers of the country, and the general opinion that there was something wrong, as reasons for the appointment of this committee. No attempt, however, had been made, that he had heard, to deduce this from the Orders in Council. Had they attempted to shew that the Orders in Council had had the effect of producing this evil, or that their repeal would cure it? He had heard a glowing and eloquent detail of the distresses of the manufacturers of this cou ntry, but nothing to shew that they arose from the Orders in Council. Documents had been called for to prove the distressed state of our commerce and manufactures; and those very documents we were now called on to reject, because it appeared from them, that down to the last year, not only was our commerce prosperous, but that it was in an unparalleled state of prosperity. When those documents were in favour of his hon. and learned friend he relied on their evidence, when it was against his argument, he discredited it.—In considering the general effect of those Orders in Council, it must be recollected, that before the Order of 1807, our trade had been prostrated, and totally failed. In August, September, and October of the year 1807, no less than 70 or 80 vessels, that had taken out cargoes for the continent, were obliged to apply to the Custom-house for leave to reland them, on account of the total stagnation of trade. This shewed that the export trade of the country had failed before those Orders in Council could have any operation. In the two years 1807 and 1808, taken together, the amount of our exports was but 29 millions and an half, and that of our imports 26 millions and somewhat less than an half, and yet in the two following years of 1809 and 1810, the trade had increased so much, that the exports were 51 millions and an half, and the imports 47,900,000*l.* It therefore clearly appeared from those returns, that under the operation of those Orders in Council, our trade had very much increased instead of declined. Those who first supported the Orders in Council never had predicted that they would entirely and completely counteract the system of the enemy; whereas those who opposed them had predicted, that they would occasion the total ruin of our trade, both with the continent of Europe and with America. By these returns, however, it appeared, that even the trade to the United States of America was not injured by them, inasmuch as the exports of the years 1809 and 1810 to the United States exceeded the exports of the two former years to the value of about a million, and the exports of the years 1809 and 1810 to the whole of America, exceeded the exports of the two former years by nine millions. If a committee were to be appointed, he did not know what better authority they could go upon than this printed report of the inspector-general of the customs. Against such a document as this, he thought the private information of a few individual merchants, however respectable, would not be sufficient to carry the committee over to their opinions. If such a committee were appointed, they would have before them gentlemen of different sides: some deeply connected with the American trade, and entertaining naturally certain prejudices in consequence of this connection; while other gentlemen, connected with the trade to the continent of Europe, would have prejudices of an opposite nature. He must own, that he could not anticipate any thing from their discordant opinions and conflicting prejudices, which would in any degree remove the distress from the country, or give relieve to the manufacturers of Yorkshire. After the question had been considered in its commercial bearings, it must afterwards be considered as affecting the belligerent powers; for well, indeed, might America and other nations charge us with directing our policy on principles of sordid avarice, if we were to calculate a question of this importance to the trade of the world, solely on the ground of profit or loss to ourselves. If the gentlemen merely relied on the fact of distress existing in the country, he would ask them, had they forgotten that there was great distress in 1807, and that there were riots at Manchester and other places, in consequence of this distress, before the Orders

Digitized by Google

in Council had been passed? So far, then, from his conceiving, that the Orders ought to be repealed, because there were riots and disturbances at Nottingham, and other places, he should draw an inference directly opposite. If the manufacturers did not know the prosperity of their trade—for he believed, that it was the great prosperity of our trade in 1809 and 1810 which occasioned much of the present distress,—that would not be to his mind a sufficient reason for repealing those Orders. If he were called upon to assign a reason for the distress now felt, he should attribute a great part of it to the prosperity of the year 1810, to which there naturally followed a year of less prosperity, in which the manufacturers who had not the same full employment as in the preceding year felt distress. Whenever there was an extraordinary demand for our manufactures, extraordinary exertions were made to meet it, and the price of wages was raised. If the demand did not continue to increase, or if it slackened, it was obvious that some distress must be felt. It was well known also, that great losses had been sustained last year, owing to adverse winds and consequent captures of our convoys in the Baltic, where no Orders in Council prevailed. Was the House, then, to resolve upon a committee, merely to raise in the minds of the starving manufacturers, or rather to confirm in their minds an opinion which had been artfully raised from wicked motives, that all their distresses were owing to the misconduct of their own government, and not to the barbarous policy of Buonaparté, who violated all the laws of civilized nations, for the purpose of injuring them? The hon. and learned mover had dwelt much, and with great force, on the frauds and perjuries connected with the system of Licences. It must be observed, however, that the system of Licences was a subject quite different from the question of the Orders in Council themselves; but it would not be contended that those frauds or perjuries which had been spoken of, had any thing to do with the distresses of our manufacturers. He was sorry to hear such a subject introduced, and he was sure that no man held in greater abhorrence than he did the practice so eloquently reprobated by his hon. and learned friend; but it would not be said, that our export trade was diminishing in consequence of those frauds, for it was well known that it was only by masking the property that British manufactures or produce could find their way upon the continent. Whatever consequences, however, might follow from the necessity of carrying on our trade by licences, these consequences were quite unconnected with the question of the Orders in Council. There was no maxim in the law of nations more constant, fixed, and inflexible, than that no trade could be carried on with an enemy but by a licence. This principle was so perfectly established, and so necessary to prevent treasonable and improper intercourse, that it was never departed from; and he himself had heard it determined in the court of Appeal, that under no circumstances could the trade with an enemy be allowed, except by virtue of a special licence. Our enemy had now possessed himself of almost the whole of the continent of Europe; and he would ask gentlemen sincerely, were they prepared to abandon all trade to the continent of Europe on account of those objections in point of morality which had been stated by the hon. mover? He felt himself perfectly ready to meet any statesman upon this ground; and he really believed that he would find few who had weakness enough to think, or hypocrisy enough to assert, that the whole trade with Europe ought to be abandoned on account of the immorality or the frauds necessarily practised in carrying it on. If the hon. gentlemen on the other side did not wish to give up the trade to the continent of Europe, (and he was sure they did not,) he thought that they were bound to state by what means they would propose it to be conducted without those frauds and immoralities of which they complained. Although he had been often taunted by an hon. gentleman opposite (Mr. Whitbread) with being the parent of the Orders in Council, and feeling a partiality for them on that account: yet, as to the system of licences, he was not the author of that, and had no prepossessions to indulge in its favour. If the gentlemen on the other side could point out any way in which the trade could be conducted without licences, he was read to listen with the utmost attention to their plan, but he was not prepared to say, that it might be right to reject altogether those palliatives, and adhere to the strict inexorable rule of the Orders in Council. The fact was, that the government was much importuned for licences by the merchants. The object of the licences was to protect their vessels from

Digitized by Google

British seizures and condemnations; for it was by other means that they calculated on evading the continental system, and introducing their merchandize. As the decrees of Buonaparté were directly against this trade, it was necessary to deceive our enemy in his own ports; and this deception could be practised only by masking the property in such a manner, that it should appear to be neutral, and not coming within the scope of those decrees. Without licences, our merchants calculated on evading Buonaparté's continental system; but licences were necessary to protect them from the effect of our own maritime system. As to the forging of papers and French Consul's certificates of origin, he was convinced that neither this, nor shewing false colours to the enemy, would be supposed so serious an immorality as to make us consent to abandon all our trade. At this kind of trade, government certainly connived, when licences were granted; and he believed that the immorality of deceiving our enemy, and evading his unjust and barbarous decrees, notwithstanding all that had been urged by his hon. and learned friend, would not induce the House or the country to say that the export trade to the continent of Europe ought to be abandoned. If it were to be carried on, he believed it must be by modes somewhat similar to those in which it had hitherto been carried on; and if it were abandoned on the alleged consideration, the ruined and starving manufacturers of this country would hardly know how to appreciate such a refinement in morality. If the Orders of Council were, however, to be entirely done away, and the Americans were allowed, without molestation, to carry the sugars of Cuba into France, and the manufactures of Germany into South America, while the British trade was subject to the French decrees, still there must be (as had been said with respect to the existing system) forgery in the origin, and perjury and fraud in the conclusion of the transactions. The American captains must swear that the goods were of American manufacture, and the correspondence must be forged also. He by no means meant to resort to the miserable plea, that if we did not carry on this traffic others would. Such were not his principles. What he contended was, that the imposture must still be practised by British subjects, that the British government must still connive at it, and that Great Britain must act her full part in the masquerade. But the hon. and learned gentleman had said, that Buonaparté was a decided enemy to commerce. He ought to have added a word to that sentence, and said, that he was a decided enemy to British commerce. As to his own commerce, he appeared to have it very much at heart. When he had extended his line of seacoast from France to the shores of the Baltic, did he then appear indifferent about the commerce of his empire? When he allowed, as it was said, 60,000 seamen to be employed in navigating the merchant-vessels of the northern parts of his empire, instead of putting them on board his fleet at the Scheldt, did that appear as if he was indifferent about commerce? As to America, it must be particularly recollected, that it was not only the Orders in Council which she required of us to abandon, but also that which Buonaparté called our new principles of blockade. As America had required both, it was not fair to argue now, that the repeal of the Orders in Council would be sufficient to conciliate America. As to the right of blockade, the hon. gentleman himself did not wish to abandon it nor yet to throw the whole trade of Europe into the hands of America, while we were excluded from it. With respect to what had been said about arrogance of tone in the correspondence between the two countries, he did not wish at present to make an observation on the subject, and he hoped that that consideration might long be postponed. He did not wish to make any observations upon the stile of the correspondence, or on any minor points. In order to preserve peace and friendship with America, he would consent to any sacrifice that was consistent with the commercial existence of the country, or with our means of opposing the great and almost overwhelming power of the common enemy. Nothing appeared to him more to be deprecated than that a nation allied to us in language, in common origin, in habits and manners, and above all in liberty, should favour the enemies of all liberty, and lift up a parricidal hand against the freedom of the world—against that freedom for which she had so obstinately fought, and which was now her boast. He allowed that this country now stood on too high grounds, from the victories which she had obtained by land as well as by sea, to have it supposed that in the concessions which she might make to America, she was actuated by any but the noblest motives.

Digitized by Google

She stood higher still from the generosity of her conduct, and her opposing herself as the bulwark and safeguard of all nations which the ambition of the enemy sought to conquer or destroy. If it were possible to conciliate America without the destruction of our commerce, or without depriving ourselves of the means of carrying on the war with France, he thought that there could be hardly any sacrifice too great for such an object; but if the means of prosecuting the war must be thrown away to satisfy America, he never could consent to it. The country might as well ask a peace of Buonaparté at once. With these views of the subject, it was his firm opinion, that the distress which was spoken of did not at all proceed from the Orders in Council; and he could not consent to appoint a committee, which he thought could not possibly do any good.

Mr. *Brougham* rose to explain. An insinuation had dropped from his hon. and learned friend in the course of his speech, as if he was a person who felt impatient at any reflections being thrown on the French emperor. He was not a little surprized at such an imputation, which was totally unfounded on any thing he had ever been in the habit of saying, or had uttered that night. His hon. and learned friend must have completely misconceived, and therefore misrepresented him.

Mr. *Stephen* denied having any intention of throwing such an imputation on his hon. and learned friend. But he certainly understood him to have expressed disapprobation of the warmth with which the conduct of the French emperor had at times been spoken.

Mr. *Brougham* again observed, that he had been misunderstood by his hon. and learned friend.

Mr. *Canning* said, that having forborne to press himself on the attention of the House in competition with the hon. and learned gentleman, [Mr. Canning and Mr. Stephen had risen at the same moment, but Mr. Canning gave way] whose speech the House had recently heard, he felt the disadvantage under which he rose after the speech of that hon. and learned gentleman, in which he had introduced so much and such variety of matter not connected with the subject of discussion, if he should endeavour to bring back the attention of the House to the dry question upon which they were assembled to decide. He had listened to that hon. and learned gentleman with all that attention and deference which he was ever ready to pay to what fell from him, but more particularly upon a subject with which he had the reputation of being peculiarly conversant. He had listened to him even with still more deference, because, he was free to confess, that all the knowledge which he himself possessed upon such subjects was derived from his hon. and learned friend, if he might be permitted so to call him. But, if he recollected aright the principles which he had derived from that hon. and learned gentleman, he must say, that in his speech on that night the hon. and learned gentleman appeared to have forgotten all that he had formerly so strenuously maintained. His hon. and learned friend had omitted much, but in much of what he had stated he seemed to have forgotten that the Orders in Council were first resorted to as a mode of retaliation, and not as a measure of commercial rivalry. On an occasion, such as that afforded by the motion under consideration, he had expected that his hon. and learned friend would have distinctly and demonstratively laid down all the principles on which the conduct of the British government could be justified in having adopted and maintained the Orders in Council. This course was the rather to have been expected on the part of his hon. and learned friend, because the principles upon which he had always considered the Orders in Council to rest and to be justifiable, had that night, for the first time since their adoption, been shaken by the speech of the right hon. the Vice President of the Board of Trade, which seemed calculated to show how these Orders had succeeded as a measure of commercial rivalry, rather than as the dignified retaliation of one belligerent upon another. If the question had been what his hon. and learned friend had expected it would be—what throughout the greater part of his speech he had argued it—and what in the remainder he never ceased to lament it was not,—he should perhaps not have felt much difficulty in concurring with him in the greater part of what had fallen from him on the occasion; but if he understood the motion submitted to their consideration by the hon. and learned gentleman opposite, they were not called upon to decide whether the Orders in Council ought or ought not to be repealed, but merely to go into a committee to inquire into the state of the manufactures and trade of the country with reference to those Orders. His opi-

Digitized by Google

nion of the Orders was, upon this ground, better than that of his hon. and learned friend. He should vote for the committee, because he thought enquiry could not injure those Orders according to their true original spirit and import. For his own part, he should freely own, that as far as he could foresee any effect of this inquiry upon his mind, he was persuaded that he should come out of the committee with precisely the same opinion respecting the Orders in Council, as that with which he would go into it. But it had been asked by his hon. and learned friend, as it had been before asked with something like infantile simplicity in another place, what Orders in Council were meant to be inquired into? He knew not how far that amiable ignorance had been assumed, or how far it was really unaffected, but surely his hon. and learned friend could have little difficulty in determining what was meant by the Orders in Council referred to in the present motion. In January of the year 1807, the government preceding that of which he became a member, issued an Order in Council, professedly retaliatory on the blockading decree on the part of France, of the November of the preceding year. In November 1807, the government of which he became a part, issued another decree upon the same principle, only somewhat more enlarged in its application and extent. And in April 1809, Orders in Council were substituted in the place of the former two; and these were the edicts which, professing to be retaliatory, the right hon. the Vice President of the Board of Trade had affirmed not to be retaliatory edicts.—For these Orders in Council, so far as he had been connected with their adoption, he was ready to take his full share of responsibility. What Orders truly were meant? Why, they were the Orders in Council, which, until he had heard the speech of the right hon. gentleman (Mr. Rose) that night, he had always looked upon as retaliatory upon the enemy, which had been so understood in every instance, until the Vice President of the Board of Trade, in contradiction to every statement which had hitherto been given to the public on the subject—in contradiction to every document in office respecting these Orders—in contradiction to every communication which he (Mr. Canning) had made, and every dispatch written in his official character, explanatory of their nature and spirit—in contradiction to every speech which had been made in parliament in defence of them, had thought proper to represent them, not as measures retaliatory upon the enemy, but as measures of self defence. Self defence but not retaliatory! In this sentence he should like to hear explained the adversative force of the particle "but;" as it stood, he could not understand it. Retaliatory but not self defensive, did leave an opposition that admitted of explanation; but as it otherwise stood, he did not understand it. He denied, however, that they were in their original adoption meant to be other than retaliatory. Retaliatory and not self defensive! If it were otherwise, then were those Orders to be tried on other grounds; and then would he call upon one civilian to defend them on the mere principle of their being a great commercial regulation. If they were to be in no larger a sense retaliatory than as self defensive—if they were not to retaliate directly against the enemy, but to be defensive against a rival in trade—if they were not to be belligerent measures, but purely defensive, then all the arguments by which they had hitherto been supported would fail to apply. He should no longer defend what he had looked upon as retaliatory upon a belligerent, if they were to lose that character, and be considered as measures of commercial rivalry. He had understood these Orders to rest upon the principle of retaliation alone, and he should beg leave to introduce the few observations he had to address to the House on the subject, by recalling their attention to the Order in which these measures were resorted to. When the French government had thought proper to declare the British Islands in a state of blockade, it was deemed right by the British government to denounce to the world the injustice of the proceeding, and to proclaim its own right to retaliate, at the same time announcing that if it did not carry its retaliation to the full extent to which it was entitled, it was influenced by expediency only. The words of the Orders in Council made on the 7th of January 1807, were, "Whereas" (reciting the Berlin decree, &c.) "such measures would give a right of full retaliation to restrain the injuries of the French government, and to retort the evils of its own injustice, &c." The very terms of this Order proved that it was merely retaliatory. The Order of November, 1807, referred to this Order of January, and expressly declared that

Digitized by Google

they were intended to "retort upon the enemy the violence of his own aggression." Such had been the ground, the origin, and the principle of the Orders of 1807. His Majesty had undoubtedly thought it right to qualify the principle of retaliation by the adoption of a restriction in its application which amounted only to a mitigation in favour of neutrals. This mitigation of the extended principle showed the desire of his Majesty's government to confine the evil to the enemy, and if any part of it should fall upon neutrals, it was the enemy alone that was responsible for it. Where the operation was confined to retaliation, the evil to the neutral was only incidental though not to be avoided: it was a consequence to be regretted, but the measures from which it resulted were forced upon the British government. If at any time it should appear that these Orders did not retort his aggression upon the enemy, but operated solely to the injury of the neutrals; if even the British government should appear to have interfered to relieve their pressure upon the enemy, they would stand upon far different principles from those upon which he had supported them, and would, in his opinion, be very proper objects for examination and revision. It was obvious, that, when a considerable change had been produced in the situation of Europe, by the transactions in the peninsula, as well as by other events on the continent, the Orders of 1807 were found to be no longer applicable. This change led to the adoption of the Orders of April 1809, which converted the larger blockade under the previous Orders into a more limited blockade, rendering that which was retained more rigorous, as to the ports of France and Italy, and exempting the ports of the north. This explanation of the Orders of 1807 and 1809, was his answer to the question of his hon. and learned friend: these were the Orders which, as he understood the question, the hon. and learned mover wished to have referred to a Select Committee, for the purpose of ascertaining, as the change of circumstances between 1807 and 1809 had rendered an alteration of the Orders of the former year necessary, whether any change had taken place since 1809, which would call for any further alteration at the present moment. The changes which he had understood the hon. and learned gentleman to allude to, were not external but internal. He was perfectly aware that a reference to a committee on such subjects as the distresses of manufactures and trade would not be any remedy. God knew it could not. For his own part, he did not think that these distresses were attributable to the Orders in Council, nay, he might perhaps be of opinion that these Orders were calculated to prevent them: but still it was impossible for that House to shut their eyes to the impression which prevailed throughout the country on the subject. They were aware of the representations that had been and would be made to them. They must feel a full conviction of the existence of discontents throughout the country, and this very obviously suggested the expediency of a parliamentary inquiry, which might satisfy the public mind as to the real grounds of the distress which was felt, and show that no part of it was a consequence of the Orders in Council. Nothing was more common than when distresses were felt, to assign them to some ostensible cause: this was the fallacy inseparable from human nature. Evils, the source of which were not visible, were generally ascribed to measures, the operation of which was not fully known, and no maxim was more false in itself, though more generally applied than this—"Post hoc ergo propter hoc." The hon. and learned gentleman who brought forward this motion, had, in his speech, which was not more remarkable for ability than (in comparison with the answer that had been given to it) for moderation, had connected with this subject another, which, in his mind, had no connection whatever with it. That hon. and learned gentleman had argued the question of the Orders in Council as connected with the system of licences. Against any such connection he must forcibly protest. The Orders in Council might be established without any system of licences, and the system of licences might be carried to the full extent to which it had been carried without the Orders in Council having been previously in existence, or both might be co-existent without any necessary connection; and, indeed, the best possible, because the most indisputable practical evidence, that they had no necessary connection, was the fact, that where the Orders in Council did not operate, there the Licence trade existed, and where the system of licences was in activity, there the Orders in Council did not apply.

Digitized by Google

Whatever might be the mischief, therefore, of the licenses, the Orders in Council, he would maintain, were guiltless of it. When he considered the impression which prevailed in the country, he was not prepared to oppose the motion for an inquiry, whatever might be his feelings, if the hon. and learned member in the first instance were to propose to repeal the Orders in Council. If the House were to refer the subject at all, he was inclined to think that the whole should be referred. The Orders in Council he believed had been beneficial; but of the advantages of the system of licences he had his doubts: but he would not presume to prejudge the question. Some gentlemen seemed to look at the appointment of a committee as unprecedented and alarming; but he could discover no ground of apprehension in such a measure. It was usual in that House to appoint committees, whether general or select (he preferred a select committee), to inquire into the state of trade, into the distresses of the manufactures, and into the circumstances of the commerce of the country. It was not unusual either to bring such questions again before the House. Even the Orders in Council had in the first instance undergone a fuller discussion than any measure of trade had previously had in parliament. If eighteen months after they had been originally adopted they required revision and alteration, the period that had since elapsed might have produced changes which would render a further modification necessary. With respect to the discontents which were known to exist, he would ask, would it be nothing to pronounce by a vote of a committee rather than by speeches in that House, that they were not attributable to the Orders in Council, which would continue to be beneficial if acted up to according to their first principles? Would it be nothing, if licences had not led to the distresses felt, to have that point supported by the report of a committee, and sanctioned by the concurrent opinion of that House? Would it be nothing to submit all these points to the test of opinion, and to have the whole matter ascertained by examination and confirmed by experience? The consideration, however, which had principally called him up was, the statement of the right hon. gentleman, the Vice-President of the Board of Trade, that the Orders in Council were not retaliatory upon the enemy, but measures of commercial rivalry with America.—(Cry of No, no!) So he had understood the right hon. gentleman, and, if that were the case, it would be necessary to bring back the Orders in Council to the original principles upon which they had been originally established. The differences were these, we contended that Buonaparté's nominal, ineffectual, and inefficient blockade gave us the right to blockade all his dominions, we accordingly put France in a state of constructive blockade; but when we did so, we did not contend, that when we substituted constructive for actual blockade, there should belong any privilege to the constructive blockade which was not fairly comprehended within the ordinary privileges of actual blockade. If, for instance, we had a port of war, in an actual state of blockade, we should have a right to stop all neutrals from conveying their goods into that port; and why? Because peace being generally the interest of all nations, belligerents had a right to make the pressure fall as heavily as they could upon the enemy, for the purpose of forcing him into terms; and thus, the neutral's temporary inconvenience was made a party in working his permanent benefit by expediting a general peace. Here then, under the actual blockade, you take nothing from the enemy, and you do not suffer the neutral to convey him any thing. Apply this to the constructive blockade. The Berlin decree gave us a right of blockade. France and all her vassal ports were under constructive blockade; but while the belligerent under that constructive blockade kept out all neutrals, surely he could have no right to trade with the enemy himself. (Hear, hear!) Vattell had laid it down, that in such case the belligerent could not so relieve himself and the enemy, at the expence of the neutral. The Orders of April, 1809, were so far from impeding the right of the neutral to the profit of the enemy, that they mitigated the restraints upon the neutral to the injury of the enemy; that was, they restricted the extent of the blockade, while they aggravated its strictness. He contended, therefore, that, under this Order, the neutral had a right to complain, if under such Order she had been debarred from that trade which the belligerent so prohibiting her had herself indulged in.—There was an instance in history proverbially notorious in the wars of Louis 14, when in alliance with the Dutch. He was besieging some town

Digitized by Google

in the Netherlands, which he intended as a present for the Dutch. The town was hard pressed and on the point of yielding, when suddenly the besieged seemed to have got new succours and a brisk fire was re-opened upon the assailants. It was soon discovered that the Dutch had sold them ammunition; and how was this different from the absurdities of that mode of blockade that would establish a trade to supply the enemy with weapons against ourselves? If France be ready to burst with a plethora, were we to say, "come, we'll bleed you"? Or if she was about to faint for a supply,—"We are the proper persons to relieve you"? Was this, he asked, the mode of conducting a blockade? So far from this, he was for giving the Orders in Council a full, unlimited, unmitigated vigour of operation, restoring them to their first spirit, and working them upon their first principles. Were he called upon to state definitively his opinion of what he conceived the Orders in Council should be, he could not do it more fully than by saying that they were most perfect as they approached towards a belligerent measure, and receded from a commercial one (Hear, hear!) Let them have for their object the pressure and distress of the enemy, for the purpose of compelling him to listen to terms of accommodation; and not for the narrow policy of wringing temporary concessions from him, with which they might go to his own market.

With regard to the Licence trade, that was a subject upon which he had but little information or knowledge, and he should therefore be very concise in his observations upon it. The fault he imputed to this system was, first, its tendency to produce convulsions in the course of trade, which were injurious to commercial interests generally; next, as these licences were occasionally granted or withheld, there was no uniform principle upon which men could square their speculations. That they were the source of considerable losses, he admitted was not to be attributed to government, but when so many thousands were granted, and so many refused, such losses must be the ultimate consequence. An instance had been lately communicated to him, where an application was made for one of those licences, and refused. A second application was made on a subsequent day, through the medium of a friend, and again refused; a third application was then made with the same result, but upon the fourth day, the party seeking the licence got another friend to apply, and was ultimately successful. Now, he did not blame the Board of Trade for all or any of those decisions; they might have had good reasons for objecting in the first three instances, and acceding in the fourth. But all he would ask was, under such a system how could the regular merchant act? (Hear, hear!) Upon what one less veering casualty was he to calculate?—That these were evils no man could deny; but were they unavoidable? (Hear, hear! from both sides.) If they were, then they must submit to them; but if they were not, might not some substitute be found equally efficient and incomparably less objectionable? (Hear, hear!) It had been said we could not do without licences; but did it follow, that because a few licences might be from time to time necessary, that we should therefore have a licence trade. One licence had been granted lately at an inordinate saleable value. This might perhaps arise from a clerical error, which might not occur in 10,000 licences, but if he were in the situation of administering that part of the government, he should be most anxious to avoid such errors in future.

He had heard of another instance respecting a vessel that had sailed to this country from a neutral port with a cargo consisting of articles importable into this country—and also an article not importable here; in the course of her voyage she contrived to get rid of the contraband article, and landed the remaining part of her cargo while in the river; the vessel was searched on suspicion of having gold—no gold was found, but the paper containing a list of the articles comprising the cargo, in which the contraband was specified. Here then the merchant could go into a court of justice and prove that no such article was assigned to him. If he proved this, he hung the correspondent abroad, and if he did not, he must abide by his penalty—now which was he to do? (Hear, hear!)—These and a variety of other instances might be produced to shew the expediency of at least going into the committee. As to the general principle of the Orders in Council, he had endeavoured to make himself understood. He would not compromise or qualify them, but act upon them on the strictest reciprocity with respect to neutrals, and unmitigated blockade as to France. When

Digitized by Google

the enemy was beginning to feel most sensibly their rigour, that was not the time to abate it. Had they been originally enforced against Russia (and on this subject he took much blame to himself) he believed we should now have a greater chance of bringing her to terms. As to America, he should carefully abstain from saying more than this, that as he was the last man who would lay the honour of this country at the feet of America, so would he be among the first to go far in the work of honourable conciliation; and he thought it was too much to object to a motion, not upon its own grounds, but merely because it might have incidentally the effect of conciliating America. This would be with him but an additional argument—but without it he was prepared to say, that the appointment of the Select Committee now moved for was due to the circumstances of the times and the complaints of the country.

Mr. *Marryat* considered it as a commercial question. That the hon. and learned gent. saw no difference between the Orders in Council and Licences, he was surprized at, for they were both of his own offspring. By means of licences the British officer was prevented from making captures. There was a great difference in the species of licences; those that were direct to France were very different from others, for they were reciprocal to both countries. The Licence trade abounded with frauds. There was not a consul in the world whose signature was not forged; and there were men in London, who, if they received a letter to-day, would be able in a few days to produce two or three letters so completely similar in hand-writing, water-mark, &c. that he who had wrote the original, could not distinguish it from the copies. The Americans suffered great hardships by the Orders in Council; they were obliged to send their ships into British ports, and pay a certain centage, and which, if they did, they were certain of confiscation in the enemy's ports. He defended the Orders in Council, as originally established, as perfectly justifiable; and had they been strictly adhered to, he had no doubt they would ultimately have effected the purposes for which they were promulgated; but he regretted that any alteration in those Orders had taken place, as it had the effect of benefiting the colonies of our allies, while it reduced our own; as an elucidation of this, he instanced the case of the island of Cuba, from whence alone, during the last year no less than 220,000 hogsheads of sugar had been exported, whereas at the beginning of the war the export of that commodity amounted only to 70,000 hogsheads. He hoped, therefore, that his Majesty's ministers would revert to and adhere to the system of retaliation as originally adopted, and any motion which had this for its object he would most cordially agree to, but seeing no beneficial consequences likely to result from the present proposition, he should oppose it.

Mr. *Johnstone* took a directly opposite view of the question, considering the licence system as necessary, but the policy of the Orders in Council as erroneous. He felt himself called upon to support the motion, although he was by no means disposed to wish ill to the administration of his right hon. friend.

Sir *Charles Price* denied that there existed any grounds for the alleged immoralities of the licence system. If trade was to be carried on at all under the present circumstances, such a system was not only proper but indispensible.

Mr. *Wilberforce* was of opinion, that whether the question was considered in a political or in a commercial view, they ought to go into the committee. The motion was such, that all who had doubts as to the results of the Orders or of the Licence trade, ought to vote for it. He was originally convinced by the arguments of his learned relative (Mr. Stephen) of the justice and policy of the Orders: but now that there existed great discontent, which was attributed to the injurious effects of those Orders, no conduct could be wiser for parliament, than to meet the discontents by inquiry, and shew to the people, that whether their complaints were founded or not, they should at least be attended to, and that they should see that they underwent a solemn investigation. If it was true that the Orders had been advantageous to the country, then their advocates could not fear inquiry, for it would only display their justice and expediency. The people of England had good sense enough to be satisfied with the result of investigation, if it could be fairly proved that the Orders in Council were beneficial to their trade. They would then ascribe their distresses to the evils inseparable from all human systems in time of war. He insisted on the immoralities of the Licence trade, and said he was astonished to hear an hon. baronet denying their existence. He then argued on the contracted nature of

Digitized by Google

the Orders and the Licence trade. Their inconsistency alone was ground for enquiry. One system tended to restrain, the other to relax;—one to starve, the other to feed;—one denied, the other gave away, although both were the measures of the same government, and were adopted against the same enemy. Another reason for the committee, and one which should stand high in the consideration of all who wished well to the country, was the state of our relations with America. It was said, there were but slender hopes of remaining at peace with that power. Were not those Orders in Council one of the causes of contention between the Americans and us? Did it not, therefore, become us seriously to inquire, whether the foundation of this system complained of by America was a proper one, in such a delicate situation, to be continued? He would vote for inquiry. An opinion against the Orders was not necessary to vote as he did. It was quite enough that doubts were entertained as to their beneficial efficacy to warrant any one in voting for the motion.

The *Chancellor of the Exchequer* said, that he did not rise to object to this motion from any apprehension that he entertained of enquiry, confident as he was that the distresses of the merchants and manufacturers, which had been so strongly alluded to on the other side, did not all arise from the Orders in Council; but he objected to the inquiry because it was not calculated to produce any possible benefit. He could not agree with his hon. friend, who had just sat down, that it would be expedient to go into this inquiry, if it were for no other purpose but to shew that no inquiry at all were necessary. He was not surprized, however, at his hon. friend supporting it, because it was that species of motion which generally met with his approbation; indeed the motion was framed with a view to catch his hon. friend, and that description of gentlemen who might be called floating votes. He was surprised, however, at what had fallen from his right hon. friend (Mr. Canning) upon this occasion. If his right hon. friend was of opinion, and he was sure he was, that the Orders in Council were not only justifiable, but absolutely necessary, if his right hon. friend thought, and he was sure he did, that the distresses of the manufacturers, which had been brought forward as the grounds of the present motion, did not arise from the Orders in Council, he should have thought that his right hon. friend, entertaining such sentiments, would have been one of the last men in the House to have given his support to a motion for inquiry. There was one circumstance which had occurred in the present debate, which had never occurred before, and upon which he could not avoid congratulating himself. Although gentlemen had represented the Orders in Council as impolitic, and as productive of great injury to this country, not one of them had this night contended that the principle upon which they were founded was unjust. He wished to press this upon the House, because, upon former occasions, the injustice of the Orders in Council had been strongly urged, and it was highly gratifying to him to find that that line of argument was now abandoned. The Orders in Council were therefore now to be argued merely as a question of policy, not as a question of justice. He could not help expressing a wish that gentlemen had always pursued that course—if they had, they would not have led America to believe that we were not only acting hostilely towards our enemy, but that we were conducting ourselves upon unjust principles towards the United States. He never could see much force in their arguments, but there could be no doubt but that they had produced a considerable effect in America. His right hon. friend (Mr. Canning) had said that it was absurd in his hon. and learned friend (Mr. Stephen) to ask which of the Orders in Council it was they were finding fault with, but he contended that the question was a most material one. The hon. and learned gentleman who had opened this discussion, and who had declaimed so strongly against the Orders in Council, had yet defended the Order of 1807. It was therefore most material to know against which of the Orders in Council the accusation was specifically directed. With respect to the principle upon which these Orders in Council were founded, he begged to state, that he had always considered them as strictly retaliatory, and as far as he understood the subject, they were most completely justified upon the principle of retaliation.—It never could, he was sure, be contended, in any assembly of rational men, that retaliation should be excluded from the law of nations. There was, in fact, no other means of enforcing obedience to the law of nations, but by means of retaliation. If a great and powerful nation, like France, would set all laws

Digitized by Google

at defiance, would break down every system that had hitherto been regarded as sacred, and would carry on the war uncontrouled by any principle of the law of nations, how was she to be resisted but by a recurrence to measures of retaliation? The law of nations would otherwise prove a trap and a snare to those who were disposed to obey them, and a sword and a shield to those who were determined to violate them. It was, therefore, most absurd to contend that we had no right to have recourse to retaliation; and yet it was upon that principle that it was argued that we had acted unjustly to America. But then it was said, that if we did retaliate, we must do it in mode and form, as the enemy had injured us. A more extravagant proposition it was difficult to conceive. What! if the enemy chose to violate the law of nations on a point where she had nothing to lose, and we had every thing, could it seriously be argued that we were bound to retaliate, not where we could make her feel, but where we could do her no possible injury? When a country violated the law of nations, not in trifles, but boldly and systematically violated the law of nations, she lost the protection, because she had thrown off the obligation of that law. This was the principle upon which the whole of our proceedings had been founded. He was, he confessed, a little surprised at what had fallen from his right hon. friend respecting the mode in which he conceived the blockade was to be enforced. What was the occasion that led to the Orders in Council? France had declared that Great Britain should not have any trade with any nation upon earth; the British government, in return, said, "You (France) shall have no trade but with us." The object of government was to protect and to force the trade of this country, which had been assailed in such an unprecedented manner by the French Decrees. If the Orders in Council had not been issued, France would have a free colonial trade by means of neutrals, and we should have been shut out of the continent. If we had attempted to destroy all trade, both our own and that of France, France would have been the gainer, because she had less to lose, and she depended less upon her commercial exertions than we did. The object of the Orders in Council was not to destroy the trade of the continent, but to force the continent to trade with us. The article of bark, about which so much had been said formerly, would prove that he was in earnest in his understanding of the principle upon which the Orders in Council were founded. The British government had never said that France should not have bark, it had only said, "if you want bark you shall not have it, unless you will import other articles with it." It was obvious, therefore, that our object was to compel France, and the nations that were subject to her Decrees, to trade with us. In 1809, there was an alteration of the Orders in Council; it was thought that the alteration proposed would be more acceptable to America, and it was so; but it was not only America that we had in view, but our allies. But it was needless for him to go at length into these points, on which he had been so ably anticipated by his right hon. friend, and by his hon. and learned friend (Mr. Rose and Mr. Stephen); indeed they had left him very little to say. With regard to the assertion that our trade had been injured by the Orders in Council, there were documents before the House which distinctly disproved the assertion. It was obvious from those documents that after the Orders in Council, the trade of the country rose progressively. If we had so far effectually rescued ourselves from the ruin with which we were threatened, as to place ourselves in the same situation in which we stood in 1803 (a period of which he had heard no complaint), by means of those Orders, he did not see upon what ground we could impute our present difficulties to their existence. After two such years as 1809 and 1810, in which the exports of the country were doubled, it was natural to expect a temporary stagnation. Certainly in 1810, several seizures had been made, as was stated, and great loss sustained by the country; but did not that, and the consequent reluctance of embarking in speculation, account for the depression of trade, and the multiplication of bankruptcies, rather than any thing connected with the Orders in Council? His hon. friend (Mr. Wilberforce) had admitted not only that the Orders in Council were strictly justifiable, but that they had produced a beneficial effect. The commercial embarrassments which were now experienced induced him to think there was something wrong in the system, which required alteration; and therefore he supported this motion for inquiry. It did not appear to

Digitized by Google

him to be a very correct mode of reasoning to attribute the recent diminution of trade to those Orders in Council, when it was an incontestible fact that for two or three years they had produced a directly opposite effect; and when the decrease which had taken place had been so clearly traced to other causes. But it had been argued, that even if the Orders in Council had not produced effects detrimental to our trade, they had tended to encourage foreign seamen. The first and obvious observation that occurred on this objection was, that it was wholly irreconcilable with those which had been urged from the same quarter. It would hardly be contended that the Orders in Council could produce two effects diametrically opposite to each other; they could not at the same time destroy our trade, and yet give such great encouragement to foreign seamen in carrying it on. That foreign shipping and foreign seamen had, from the peculiar and unprecedented circumstances of the times, been employed to a greater extent than could be wished, was not denied; but that effect was not produced by the Orders in Council which had been issued by the present government. The system of which it was the result was in force when they came into power; and those gentlemen who expressed such alarm at the consequences of employing foreign seamen, ought surely to have proclaimed their apprehensions when that system was first introduced in the administration of lord Grenville. He was far from contending that, if any measure which he had adopted was impolitic, he ought to be excused, because it was introduced by another administration; he had merely mentioned the circumstance, to shew gentlemen who were so ready to throw every species of blame upon the present ministers, how necessary it was to ascertain facts before they preferred charges. The assertion, however, that the effect of the Orders in Council had diminished the quantity of British shipping (against whatever administration it was directed) was not founded in fact. Between the years 1806 and 1810, the number of British ships and of British seamen employed in our trade had increased: it was true that the number of foreign ships and of foreign seamen had increased in a greater proportion; but that was owing to other causes wholly unconnected with the Orders in Council. The extraordinary state of the continent had rendered it impossible to carry on so large a portion of our trade in British bottoms as we had been accustomed to do; when therefore our commerce increased we had only the alternative of giving it up or carrying it on by means of foreign ships. This was the plain state of the case, and it placed the consistency of the gentlemen on the other side in a very striking point of view. They described in strong colours the distresses of our manufacturers arising from the reduction of our trade, and they proposed to remedy the evil by reducing it still lower. The trade of this country could not, it was obvious in the present state of things, be carried on with the greater part of the continent by British ships and seamen; we were therefore compelled, if we meant to carry it on at all, to employ foreign vessels. The language of the gentlemen opposite to him to the manufacturers, if they spoke fairly, must be to this effect: "we feel deeply for your distresses, which we know arise from a diminution of trade; we are extremely anxious to relieve you; and in order to accomplish that object, we have proposed an inquiry, in order to see if we cannot destroy the greater part of the trade that you carry on with the continent of Europe." Whether the manufacturers would be grateful to the honourable gentlemen for their interference, or would approve of their remedy, he would leave the House to determine. He now came to another part of this subject on which the gentlemen on the other side had employed much of their eloquence—he meant the licences. Here again he begged to observe, that the system of licences, whether wise or unwise, originated with the administration of which those honourable gentlemen were such enthusiastic admirers. Nay, the very clause in the licences which the hon. and learned gentleman who brought forward this motion had reprobated with peculiar severity, and had represented as being at once mischievous and absurd, was drawn up by that very administration, and was found by the present ministers ready cut and dry in the office. This identical clause, upon which the hon. and learned gentleman had bestowed such opprobrious epithets, was drawn up at a meeting of the Board of Trade, by lord Grenville, lord Auckland, lord Henry Petty, and lord Temple. He was ready to admit, that if the measure was a bad one, it was no excuse for him that it had

Digitized by Google

the sanction of such names; but he mentioned the circumstance in the hopes of inducing gentlemen on the other side not to be so lavish of their censures before they were quite sure to whom they applied. With regard to the perjury which was said to take place, he had every reason to believe that it was much less under the present system than it was before, and for a most obvious reason, that the number of oaths to be taken were greatly reduced. He should not now stop to argue whether carrying on trade by means of licences was not liable to some objections, for the real question to be determined was this—If you cannot carry on your trade with certain countries, except by means of licences, are the objections to that mode of proceeding so formidable that you would give up your trade rather than have recourse to it? If gentlemen really thought that it would be better to give up trade altogether, than to carry it on by means of licences, they would, he presumed, act in the committee upon that system, and diminish our commerce in order to increase our manufactures. Having stated the effect which the Orders in Council had had upon our trade, he begged leave shortly to state how they had operated upon the enemy. The duty arising from customs in France, amounted, in 1803, to 33,000,000 livres; in 1804, 41,400,000; in 1805, 52,700,000; in 1806, 51,700,000; in 1807, at the latter end of which year our Orders in Council were adopted, the duty amounted to 60,483,000 livres, and the very next year they fell as low as 18,500,000 livres. In 1809, they fell still lower, they only amounted to 11,500,000 livres. The House would bear in its recollection, that while the amount of the French customs was thus reduced immediately after the adoption of the Orders in Council, our revenue had experienced an astonishing increase. He was aware that the customs did not form so important a branch of the revenue in France as they did in this country; but it was impossible that they could have experienced such an extraordinary decrease, without producing a very considerable effect upon the rest of the revenue. He knew that some gentlemen on the other side were fond of supposing that Buonaparté entertained an opinion, half philosophical and half mad, that trade was productive of liberty, and therefore he hated it. The fact was, he hated British trade, and would willingly sacrifice his own to destroy ours; but if he could carry on a commerce without benefiting us, he would most willingly do it. This was most obvious from the pains he took to construct canals and roads for carrying on internal trade, and from the uniform language of those annual expositions which were published respecting the state of France. He was bound, however, in fairness to state, that the duty of customs in France rose, in 1810, to 49,000,000 livres, but that was not owing to any increase of trade, but in a great degree to the confiscation of British property in Prussia and other places; the incorporation of Leghorn, Genoa, and other ports of Italy into France must of course have had some effect in increasing the revenue. Besides, the duties had been in many instances augmented five-and-twenty fold, and even more; therefore, if the trade had remained the same as it was before the Orders in Council were issued, the revenue ought to have amounted to 725,000,000. But although gentlemen in that House denied that the French were affected by the Orders in Council, the French themselves confessed the fact. In the Address of the Senate to Buonaparté they acknowledged that they no longer had any trade, except what was carried on by means of canals, and admitted without hesitation the difficulties under which they laboured. He begged to ask those gentlemen, who were so hostile to the Orders in Council, what would be the effect of repealing them? The effect would be, that America would be able to supply France with all colonial produce, and the Americans would in return take away her manufactures; in fact, France would be in a more favourable situation than she would be in a time of peace, and the trade of Great Britain to the continent would be annihilated. He would not trust himself with the discussion of that part of the question which related to America, but when the hon. and learned gentleman opposite to him said that the Berlin and Milan decrees had been repealed, and that a proclamation had been issued to that effect, his memory must surely have failed. The government of this country had repeatedly called for that proclamation, America had called for it, but it had never appeared.—There was, indeed, the famous letter of the French minister for foreign affairs, in which he said that the French decrees should be repealed on condition either that our Orders in Council were re-

Digitized by Google

scinded, or that America would no longer suffer her ships to be denationalized; that was, no longer to suffer her ships to be searched. But even if the decrees were repealed with regard to America, they would be in force with regard to Great Britain. It was therefore not a partial but a total repeal of these decrees that Great Britain had a right to demand before she gave up her Orders in Council. The French decrees were not, as gentlemen had stated, internal municipal measures, they were adopted in time of war as measures of hostility, and even if a neutral chose to submit to them, it by no means followed that a belligerent was also bound to acquiesce. But it was not only to France that these decrees extended, but to all her vassal states, to every country over which she could extend her power. He wished to know whether there was any quarrel between Hamburgh and France when Hamburgh and the other Hanse towns were seized by the French. Holland, Tuscany, and Rome were seized upon no other ground than because it was convenient to Buonaparté to seize them, and the Berlin and Milan decrees immediately applied to them. Could it be concluded, that upon any principle of the law of nations, we were bound to suffer France to give laws to all these neutral nations without our making an effort to induce them to assert their neutral rights? He would not trespass any longer upon the time of the House; it had been incontestibly shewn that the distresses of our manufacturers did not arise from the Orders in Council, and therefore he should oppose going into a committee, from which no possible beneficial consequences could result.

Mr. *Whitbread* maintained that there never was a speech more calculated to mislead the House than that of the Chancellor of the Exchequer. The right hon. gentleman had told them that the questions they were called on to decide were, whether the Orders in Council were to be maintained? Whether the licensing system was to be continued? Whether this country had acted justly or unjustly towards America? And whether the Milan and Berlin Decrees were or were not repealed? And he had finished a grand climax by stating that the French government was no longer possessed of revenues to carry on the war.—But he would tell the House, and the right hon. gentleman, that they were not called on to decide any of those questions. The great point for consideration was, whether they would, when the people of England were suffering, as they stated themselves to be—when their manufacturers were unemployed—when petitions were forming in every part of the country—and, particularly, when petitions, which ought to be presented to the Regent, were withheld for some reason to him incomprehensible; whether they would, in such a state of things, refuse a Select Committee to inquire into the state of the trade and commerce of the country? The right hon. gentleman and his colleagues had made a fine statement of figures. This put him in mind of the correspondence which had taken place between a noble lord (Castlereagh) and general Moore, as to the force commanded by the latter. The General observed, "I had only such a number of men:" "O," said the noble lord, "you had a great many more;—here I can prove it on paper." So, to the starving manufacturer, who exclaimed, "I am unable to exist," the House of Commons might exultingly say,—"Look to these accounts—behold the flourishing state of our exports and imports."—But when they spoke of such prosperity—a prosperity derived from the Orders in Council—he (Mr. Whitbread) would draw their attention to the bankruptcies of the last year, which amounted to between 1,500 and 2,000! In the argument which the right hon. gentleman had used on the present occasion, he appeared to have shut his eyes against the principle on which he had acted last session, when a Committee was appointed to inquire into the state of the manufacturing interest, prior to a vote of money being appropriated to its service—a measure which, however, had totally failed. The right hon. gentleman, supposing all men's minds confined to the same small particular branch of finance with which he had been occupied, told them of the diminution of the French customs; and forgot, that during this era of distress, France had subdued Russia, over-run Spain, conquered Austria, and made herself mistress of Europe. According to the argument of the right hon. the Chancellor of the Exchequer, France had been compelled by the severe operations of our Orders in Council to this aggrandisement of her empire; while we, O powerful policy! had nothing to shew in return, but our Orders, and the pure morality of our licence system. The right hon. gentleman had

Digitized by Google

enumerated all the powers that were subject to France, and united against Great Britain; he had talked with indifference of America, who might be forced into the arms of the enemy, and with his universal panacea of Orders in Council and licenced trade, he felt himself equal to contend with all the world in arms against him, although, in truth, the enemy knowing their ruinous consequences to us, had done more than England for their preservation and enforcement. What, he begged to be informed, had become of all the petitions that had been transmitted to the Secretary of State, from the country? Why were they not yet laid before the Prince? Why was not his Royal Highness allowed to form an opinion on a subject that affected even the stability of his throne! The speech of the right hon. gentleman abounded in fallacies, and among them none was greater than his statement respecting the large exports of 1808 and 1809, when Spain and Portugal were open to our trade, and when an immense quantity of British goods had been wantonly thrown into the hands of Buonaparté. The most serious attention of parliament was also demanded by the dependence of the British armies in Spain and Portugal upon America for grain and flour, since it appeared that no less than 1,500,000 barrels had been imported into Cadiz and Lisbon, during the last year, from the United States.

The right hon. gentleman objected to the committee, because it would involve a discussion respecting America: he, for one, however, had he the honour to sit in that committee, would entirely disclaim all such discussion—for the proper object of such a committee would be to inquire into our private policy, not our foreign. If the committee should report that the Orders in Council were injurious and impolitic, it would then be for the House to decide whether they should be repealed—and it would also be a question to consider whether they could be repealed, consistently with our national dignity. On this question he should offer no opinion now. In considering the operation of those Orders in Council, he thought they had entirely failed in their object; but they had one effect, and that was to provide sailors for Napoleon, who was, according to the confession of the First Lord of the Admiralty on a preceding evening, creating a navy in spite of war, though one reason assigned for not making peace with him was, lest he should create a navy. He however was building ships, and we were supplying him with mariners. He had no hesitation in saying that he thought the conduct of government grossly unjust towards America, and highly dangerous to this country.

The Hon. Mr. *Herbert* stated that the licence system had given rise to repeated instances of perjury, as the clearances from foreign ports were all made on oath.

Lord *Granville Leveson Gower*, adverting to one part of the speech of his hon. friend who had just sat down, informed the House, that he had in his custody a Petition, signed by many thousands of the manufacturing population of Staffordshire, addressed to the Prince Regent, complaining of deep distress, and praying for relief. That he had informed the Secretary of State for the Home Department of this circumstance, and that that right hon. gentleman had offered to take the Petition from the noble lord, and present it himself to the Regent. This the noble lord said he had refused to do. He had consulted the petitioners thereupon, and received their directions to present the Petition in person, which he intended to do at the first levee, but that levee had not yet taken place, although three weeks had elapsed from the time at which he received the petition.

Lord *Milton* rose merely to state, that he was exactly in the same predicament as the noble lord.

Mr. *Brougham*, in reply, animadverted on the various arguments that had been adduced against his motion. It seemed that we were not now to press upon the enemy with a fair military view of overcoming him; in prosecuting which object we might unluckily be compelled to bear hard upon neutral rights. We were no longer following such a gallant, soldier-like instinct; but attempting with the sordid, trading, pedlar-like desires of retail-dealers, to undersell, and force America to help us in underselling a rival shopkeeper. It became parliament to stand forward between the country and the ruinous effects of such a mean and profligate policy as this, and to save it from the last of disasters, into which the Prince Regent's ministers were hurrying it—a war with America. But was there nothing else, to make the House still more anxious to inquire than they might have been a short time ago? Had no other circumstance transpired in the latter part of the debate? Did they bear in mind the statements of his noble friend, the member for Yorkshire, and the noble

Digitized by Google

lord, the member for Staffordshire? It now appeared—what never yet had been known since England was England, and therefore never could have been suspected on the present occasion—that while the country laboured under distresses quite unparalleled, the people were denied access to the Prince Regent, at the foot of whose throne they desired to lay their complaints! There was nothing to be seen in the manufacturing counties but misery—nothing to be heard but the cries of distress—we met it in every shape, bankruptcies, petitions, tumults, combinations, mendicity, and the thousand miseries which could not be recorded in Gazettes, but which were not the less touching for being less obtrusive; the horrors of supplies daily and hourly straitened; the anxieties of tottering credit—this was a short but unexaggerated picture of the state of the people; groaning under such a pressure, they sought the throne of the Prince Regent with their grievances, but they found the avenues to his person barred! Then it became more than ever the duty of parliament to throw its doors open to their oppressed and insulted constituents, and to show them that there was a redress, and at any rate a hearing, to be had in the House of Commons, if the Prince should be advised to turn away his ears from their just complaints. This was necessary because it was the duty of representatives, but it was still more imperative, because it might preserve the tranquillity of the country, at a moment when the executive government was madly driving the people to despair, and seeking to convert their complaints into insurrection.—If any man then was desirous of preserving peace with America, he would vote for the inquiry; and every one who gave such a vote might go to his home, and lie down with the consciousness that he had done his utmost to avert the greatest evil with which the people of England could be menaced.

The House then divided;

For Mr. Brougham's motion ... 144
Against it 216
Majority against the Motion —72

List of the Minority.

Abercromby, hon. J.
Adair, R.
Agar, E. F.
Anson, gen.
Antonie, W. L.
Aubrey, sir J.
Baker, John
Baring, sir T.
Baring, A.
Bernard, S.
Bennet, R. H. A.
Bennet, hon. H. G.
Biddulph, R. M.
Binning, lord
Blachford, B. P.
Brougham, H.
Burdett, sir F.
Byng, G.
Busk, W.
Babington, T.
Campbell, gen.
Canning, right hon. G.
Canning, G.
Cocks, J.
Coke, T. W.
Colborne, N. W. R.
Cotes, J.
Combe, H. C.
Cuthbert, J. R.
Daly, rt. hon. D. B.
Dundas, hon. L.
Dundas, hon. R. L.
Dickinson, W.
Dillon, hon. H. A.
Duncannon, visc.
Eden, hon. G.
Elliot, rt. hon. W.
Ellis, C. R.
Ferguson, gen.
Fitzgerald, lord H.
Fitzpatrick, rt. hon. R.
Fitzroy, lord W.
Folkes, sir M. B.
Folkestone, visc.
Fremantle, W. H.
Gascoyne, T.
Giles, D. (Teller)
Grosvenor, gen.
Gower, lord G. L.
Grattan, rt. hon. H.
Greenhill, R.
Greenough, G. B.
Grenfell, P.
Grenville, lord G.
Guise, sir W.
Halsey, J.
Herbert, hon. W.
Hibbert, G.
Hippisley, sir J. C.
Horner, F.
Howard, Henry
Howard, hon. W.
Howarth, H.
Hurst, R.
Hussey, T.
Huskisson, W.
Hutchinson, hon. C. H.
Jackson, John
Jolliffe, H.
Johnstone, G.
Kemp, T. R.
Knight, Robt.
Knox, hon. T.
Lamb, hon. W.
Latouche, R.
Leach, J.
Lemon, sir W.
Lemon, J.
Lemon, C.
Lester, B. L.
Lloyd, J.
Longman, G.
Lyttleton, hon. W
Macdonald, J.
Madocks, W.
Martin, H.
Mathew, hon. M.
Milton, visc.
Montgomery, sir H.
Moore, P.
Morpeth, visc.
Morris, E.
Mostyn, sir Tho.
Myers, T.
Newport, sir J.
North, D.
O'Hara, C.
Orde, W.
Ossulston, lord
Parnell, H.
Peirse, H.
Pelham, hon. C.
Pelham, hon. G.
Piggott, sir A.
Prendergast, M.
Pollington, visc.
Ponsonby, rt. hon. G.
Ponsonby, hon. G.
Ponsonby, hon. F.
Power, R.
Prittie, hon. F. A.
Pym, F.
Ridley, sir M. W.
Romilly, sir S.
St. Aubyn, sir J.
Scudamore, R. P.
Sharp, R.
Simpson, hon. J.
Smith, S.
Smith, A.
Smith, G.
Smith, J.
Smith, W.
Speirs, A.
Stanley, lord
Tarleton, gen.
Tavistock, marquis
Taylor, M. A.
Taylor, W.
Temple, earl
Templetown, visc.
Thornton, H.
Tierney, rt. hon. G.
Tighe, W.
Vernon, G. G. V.
Walpole, hon. G.
Ward, hon. J.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Wilberforce, W.
Wilkins, W.
Williams, O.
Winnington, sir T.
Wrottesley, H.
Wynn, C. W. W.
Wynn, sir W.

Digitized by Google

HOUSE OF COMMONS.

Wednesday, March 4.

RIGHT OF PETITIONING THE PRINCE REGENT.] Mr. *Whitbread*, in consequence of the extraordinary facts which had come out in the course of the discussion last night, thought it his duty to inquire into the cause of the difficulty of obtaining access by petition to his royal highness the Prince Regent? The right hon. the Secretary of State for the Home Department was not in his place, but probably his right hon. friend would be enabled to inform him whether the Secretary of State had represented to the Regent that there were petitions ready to be presented to him, and in that case why his Royal Highness had not been advised to receive them?

The *Chancellor of the Exchequer* replied, that in the absence of his right hon. friend all he could state was, that he believed the ordinary course of presenting petitions was on levee days, and that as yet no levee had been appointed. He had no doubt, however, that had any special application been made on the subject, there would have been no difficulty in advising his royal highness the Prince Regent to receive the petitions alluded to. It was rather singular, that the hon. gentleman should ask him what somebody else had done, with whose department he was not connected.

Mr. *Whitbread* remarked, that the right hon. gentleman was pleased to be facetious; but it was the duty of the Secretary of State, as a member of parliament, to attend in his place; and in his absence, it was the right of any other member of parliament to ask for information from those who it was probable could afford it on any subject upon which the public interest demanded explanation. He repeated, that he wished to know, whether the Secretary of State for the Home Department had communicated to the Prince Regent the fact that there were petitions in the hands of different noblemen and gentlemen, which they were desirous of presenting to the Regent? For had such a communication been made, he could not conceive it possible that the Regent would not have been advised to receive those petitions. It was rather a fearful circumstance, and one which by no means ought to be treated in the light way in which the right hon. gentleman seemed disposed to treat it, after the subject had been so long excluded from the constitutional approach to the throne, that, at the commencement of a new æra, the avenues to that throne should yet remain barred.

The *Chancellor of the Exchequer* denied that he had any disposition to be facetious on the subject; nor was he at all aware that he had been so. All that he had said was, that it was really extraordinary to inquire of him what course of proceeding had been adopted by another officer of the State. As far as he was aware of that course, he had communicated it to the hon. gentleman. The hon. gentleman was correct in saying that it was the duty of his right hon. friend, as a member of parliament, to be present in his place in the House, but he conceived that on such a day, when no public business of importance was expected, and when the inquiries of the hon. gentleman could not by possibility be anticipated; the absence of his right hon. friend could not be imputed to him as a very serious offence.

Mr. *Whitbread* said, that the right hon. gentleman would perhaps communicate the conversation to his right hon. friend, and that to-morrow he would be able to afford additional information on the subject.

The *Chancellor of the Exchequer* replied, that to-morrow, his right hon. friend would be present to answer for himself.

HOUSE OF LORDS.

Thursday, March 5.

FRAME WORK BILL.] On the motion for the third reading of this Bill,

The Earl of *Carlisle*, without again entering into his objections to the Bill, could not but observe, that there was another Bill before the House (the Nottingham Watch and Ward Bill), which ought to have preceded the Frame Bill. They ought first to have tried the operation of the other Bill; and, possibly, its effect might have been such, as to preclude the necessity of passing the Frame Bill at all. He should, therefore, still recommend, that the third reading of this Bill should be postponed for some time, till they found what would be the effect of the other. He did not mean to accuse the ministers of cruelty and inhumanity, in hurrying forward a measure of this kind: possibly they might be in possession of information which justified them in proposing it; but then, why not communicate that information to the House, in order to justify their lordships in passing this law? He

Digitized by Google

would ask whether it was decent,—whether it was dignified, to pass so serious a penal law on such grounds as they had at present to stand upon? The usual attention and humanity of the noble and learned lord on the woolsack must have been forgotten on this occasion; and he was surprised that it should have been attempted to carry through so serious a law without furnishing their lordships with better information.

The Earl of *Liverpool*, after the countenance which their lordships had already given to the Bill, did not think it necessary to say any thing now on the subject, except in answer to what had been stated with respect to another Bill before the House. The principle of that Bill was old, and required no great time to settle its application in this instance; but a good deal of difficulty had been experienced in arranging the details, and much time consumed in the necessary communications with the magistrates. This was the reason that the Bill had not preceded the Frame Bill. The present Bill was more simple in its details, whether right or wrong; and with respect to that he would only remark, that it did nothing more then give the same protection to this manufacture which was already enjoyed by other manufactures of a similar kind, carried on by machinery: and it ought also to be remembered that the measure was only temporary.

The Earl of *Moira* expressed his conviction, that one of the greatest mischiefs attending the present proceeding, was its tendency to mislead the House into an idea that they had corrected the evils in question, when in reality the case would be found widely different; that it would only augment and exasperate the disorder; it was like applying a piece of hot plaister to a cancer, and expecting from such a remedy, the extirpation of the corroding and fatal disorder. In order to eradicate the great and increasing evil, the whole system of the government of the country must be completely and radically altered. It undoubtedly became the justice of the House, to endeavour to extirpate such a dangerous species of offence, but it no less became their justice to endeavour to prevent those distresses which gave rise to them; and to try to ameliorate the situation of the starving manufacturers. They should think and seriously consider what the effect of such a measure must be on the desperation of an individual, divested of the means of supporting his family, because all application of his manual industry was denied to him. That miserable system of corruption which for some years past had usurped and abused the name of government, must be corrected, if they meant to bring home the minds of men and Britons to that loyalty and affection for their constitution and government, upon which alone rested the stability of its institutions and the safety of the country; if they meant to unite every British heart, as they ought to be united, in support and in defence of the empire; in order to effectuate this work they must turn their minds to many different objects. There could be no safety to the state, no permanent or general system of prosperity or amelioration expected, but from a total change in the system upon which the government of the country was administered.

The Bill was then read a third time and passed.

EARL OF WELLINGTON'S ANNUITY.] Earl *Grosvenor* took an opportunity to address a few observations, relative to this noble and distinguished personage, to the House. He was aware he could not regularly propose any thing on the subject, as there was no Bill referring to it before their lordships. He was induced, however, again, with reference to what he had before said on the subject, to submit to the consideration of the noble Secretary of State, and to his colleagues, whether it would not be fit, when the Bill should be brought forward, to adopt what he should take the liberty again to recommend, namely, that instead of an annuity, an inheritable landed property should be granted to the noble and gallant earl. He thought it most preferable, that a grant should be made to lord Wellington, to the extent of 40 or 50,000*l.* and invested in trustees for the purpose of purchasing freehold property, that it might regularly descend to his heirs. It was to be regretted that high and noble rewards were sometimes conferred, without an accompaniment of wherewithal to support their dignities. He should therefore wish, that instead of the annuity, such a grant as he suggested, should be made. There were cases on record, where the provision so conferred, had expired, and the inheritors of the honours left without the adequate means of supporting their dignities; their annuities or pensions were then renewed,

Digitized by Google

but what was the effect? They were so far dependent on the bounty of the crown, when they ought to have been placed in a state of independence upon it. Noble and wealthy alliances might be formed by such persons. How far the Wellesley family might have attractions he could not say; but it was infinitely preferable to render the families of persons so ennobled independent at once. There was another consideration to which he felt it incumbent upon him to direct the attention of the House. It had become the practice of certain public prints to endeavour to undervalue and vilify the aristocracy of the country. He could scarcely take up a paper in which an imperious and overbearing aristocracy was not mentioned. They were denominated a proud, arrogant, and presumptuous aristocracy. He could not think that any noble lords would encourage slanders of this description; but it became their lordships to support their own dignity, or, he believed, they would find no others inclined to do it. He had thought proper to throw out these observations to the consideration of noble lords, leaving it to them to act upon it as they might think proper.

HOUSE OF COMMONS.

Thursday, March 5.

INSOLVENT DEBTORS.] Lord *Folkestone* presented a Petition from certain Debtors, in the Fleet Prison, praying relief. An idea, he observed, had gone abroad, that having made an alteration in the Lords' Act, it was his intention to afford relief to those unfortunate persons, by introducing another Bill; and in consequence of that idea, he had received a vast number of letters, full of suggestions for their benefit. He had no intention of pursuing the subject any further, but he wished that some gentleman would examine the various acts lately passed for their relief, and see if some alteration of the provisions could not be made so as to include those persons now soliciting relief. Though an Act had passed within the last twelve months upon the subject, he understood the different gaols in the kingdom were fuller than before it passed. It was necessary, therefore, he thought, that something should be done to remedy the evil. A Petition, he understood, had been put into the hands of a noble member of the other House (lord Redesdale), who was fully competent to frame a Bill for the desired purpose, and he trusted it would be done, and be carried into effect.

The Petition was then brought up, and laid on the table.

PETITION RESPECTING THE REGULATION OF MARKETS IN THE CITY OF CORK.] Mr. *Hutchinson* presented a Petition of the mayor, sheriffs, and commonalty of Cork, setting forth:

"That the franchises of markets, tolls, and customs, and the regulation of all weights and measures within the said city, have been vested, by virtue of their several charters of incorporation, from the reign of king Henry the 3rd until the present time, in the mayor, sheriffs, and commonalty of the said city; and that, by a statute passed in Ireland in the 4th year of queen Ann, it was enacted that the chief magistrate in all corporate towns, and the proprietors of the tolls and customs in all other places, should appoint weigh-masters within their several jurisdictions, who should be sworn justly and truly to weigh all goods, wares, and merchandizes between buyer and seller, for which service they should be entitled to, the fees provided by the said act; and that, in the reign of king William the 3rd, when first the trade of butter became an object of legislative regulation in Ireland, the inspection of its quality, and the ascertainment of its weight, were committed to the chief magistrates in corporate towns, as incident to their corporate right; and that, by a statute passed in Ireland in the 8th year of king George the 1st, distinct weigh-masters were first appointed for the weighing butter, hides, and tallow, and the chief magistrates in all corporate towns were empowered to nominate the weigh-masters within their respective jurisdictions, thereby evidently recognizing and confirming, as the Petitioners submit, the ancient corporate right hereinbefore mentioned; and that, by another statute passed in Ireland in the 10th year of king George the 1st, various additional regulations for the butter trade of Ireland were introduced, but the appointment of weigh-masters was still vested in the chief magistrates and aldermen of the several corporate towns, Dublin and Cork only excepted, and it is to this exception, and to the unjust and unequal consequences which flowed from it, that the Petitioners beg leave humbly to call the attention of the House, as the causes of the grievance of which they complain, for, by a subsequent

Digitized by Google

section of the said act, the appointment of weigh-masters in the city of Dublin was re-vested in the mayor, together with the sheriffs, commons, and citizens of Dublin, in which body it remains to the present day, whereas, in Cork, the place of weigh-master was granted by name to Edmond Knapp and Edward Hoare, the then representatives in parliament of the said city, and to the survivor of them, though contrary to the express wish of the mayor, sheriffs, and commonalty of the said city, as appears by their records; by which grant the Petitioners' predecessors endured the double mortification of witnessing the invasion of their chartered rights, and of seeing those representatives who had betrayed their sacred trust, rewarded with the spoils of those rights which they were bound to protect; and that, so flagrant was this breach of trust and violation of right esteemed by the lord Middleton, then lord chancellor of Ireland, that he entered his solemn protest against the passing of the said act on the Journals of the House of Lords of Ireland, thereby evidencing the opinion of the first legal character in the kingdom as to the injustice of the said act; and that even the framers of the said Statute, as if to excuse the violation of the right, while they retained its benefit in the particular instance, introduced a clause in the said act, empowering the mayor, aldermen, and common council of the city of Cork, in case of the death of the said Edmond Knapp and Edward Hoare, to appoint the weigh-masters of the said city in future, which power of appointment, by the intervention of several subsequent acts, made to continue the act of the 10th of George the 1st, was rendered nugatory, inasmuch as new appointments of weigh-masters, by name, were made in the said acts of continuation, previously to the occurring of any actual vacancy, whereby the Petitioners' predecessors were tantalized by the abstract recognition of their rights, and the practical prevention of its exercise; and that the foregoing method of parliamentary appointment was continued through four successive changes of weigh-masters, until an act was passed in the 31st year of his present Majesty, continued by an act of the 40th year of his Majesty, by which the appointment was vested in his Majesty, his heirs, and successors, during the continuance of the said last mentioned act, and no longer, viz. until the 29th day of September, which will be in the year 1812, and to the end of the then next session of parliament, at which period an opportunity will occur of restoring to the Petitioners a right of which they have been deprived in the manner hereinbefore stated, without the slightest insinuation of criminality or misconduct on their part, and which they are chiefly anxious to regain, in order to exercise their right for the public advantage; for, the Petitioners further shew, that the emoluments of the office of weigh-master of the city of Cork now amount to a very considerable annual sum, arising altogether from the fees paid by the proprietors of the articles weighed, branded, and inspected; and that, as the office is executed principally by deputy, a large annual tax is thus levied on the industry of individuals, without producing any local or national benefit whatever; whereas, should it please the House to grant the prayer of this Petition, a fund might be formed, by the application of which great local and no inconsiderable general advantage would arise, it being the Petitioners' object to vest one third part of the emolument of the said office in trustees, for the deepening the river and improving the harbour of Cork, which work would greatly contribute to the safety and facility of the navigation and commerce not only of that port, but of the United Kingdom in general, inasmuch as nine-tenths of the shipping which trade to the city of Cork are the property of British subjects; and further, it would be the Petitioners' object to vest one other third of the said emolument in trustees, for widening and improving the streets of Cork, a work of great local utility, and from the prosecution of which, although commissioners have been long since appointed by act of parliament, the Petitioners have been prevented, from the want of any fund whatever, parliament having always been pleased to reject the applications of the Petitioners for aid, on the ground that local improvements should be provided for by local taxation, a principle, the benefit of which, in its application to the subject of the present Petition, they now humbly seek from the House; with the remaining third part of the emoluments, the Petitioners would engage to render the weigh-master's office more effective than it ever has been hitherto; and the Petitioners beg leave to refer, for the truth of the above allegations, to the records of the Irish parliament, humbly trusting that, when the original invasion of

Digitized by Google

their rights is called to mind, and when it is considered that the restoration of those rights will unite private justice with public advantage, without the possibility of injury to any one of his Majesty's subjects, the House will be pleased, by whatever act may be introduced to continue or amend the last mentioned act of the 40th year of his present Majesty, to restore the appointment of weigh-master of Cork to its former possessors, the Petitioners undertaking to apply the emoluments arising therefrom in the manner aforesaid, or in any other manner that may be pointed out as more consonant to the purposes of public utility."

Ordered to lie upon the table.

PETITION OF MR. CROMPTON RESPECTING HIS MACHINE CALLED "A MULE."] A Petition of Samuel Crompton, of Bolton-en-le-Moors, in the county of Lancaster, Cotton Spinner, was brought up, and read; setting forth:

"That, in the year 1769, sir Richard Arkwright obtained a patent for the use of a machine by him invented for spinning cotton, commonly called a Water Frame, the benefit of which invention he exclusively enjoyed during the full period of 14 years, and derived great advantage therefrom; and that the above machine, although excellent for the purposes to which it could be applied, was exceedingly limited in its application, it being, from its construction, utterly incapable of spinning weft of any kind, or of producing twist of very fine texture; and that, to remedy this defect, the Petitioner, in the year 1779, completed the discovery of a Machine, now called a Mule, but which, for several years, bore the name of the Hall of the Wood Wheel, from the name of the then place of residence of the Petitioner; and that the Petitioner's machine not only removed the pre-existing defects in the art of spinning, by being capable of producing every then known description of weft as well as twist of a very superior quality, but gave birth to a new manufacture in this country of fine cambrics and muslins, by producing yarns of treble the fineness, and of a much more soft and pleasant texture, than any which had ever before been spun in Great Britain; and that the merit of the Petitioner's machine soon brought it into general use, and has been the means of extending the cotton manufacture to more than double the amount to which it was before carried on, whereby all persons employed in the cotton manufactory, and the public in general, have been greatly benefited; and that, notwithstanding the very great and numerous advantages derived by this country from the Petitioner's labours, the Petitioner has hitherto received no adequate reward for his discovery, the Petitioner having, in the first instance, been induced to give up his discovery to the public by the solicitations of a great number of very respectable merchants and manufacturers; and that the Petitioner stated his case to the officers of his Majesty's government, and was not able to obtain their determination thereon until the time limited by the House for receiving petitions for private bills had elapsed; and praying, that leave may be given to present a Petition for such remuneration for his said discovery, and giving up the use thereof for the benefit of the public, as may be deemed meet."

Ordered, To be referred to a Committee, with power to send for persons, papers and records.

LORD STEWARD OF THE HOUSEHOLD.] The *Chancellor of the Exchequer* observed, that in consequence of the conversation which had passed between him and the hon. gentleman (Mr. Wynn) on the last evening, respecting the Lord Steward of the Household, he had inquired, and found that very considerable doubts were entertained that the oaths taken by members before the deputy and the other officers would not be valid, and consequently their seats would be void. That being the case, he should propose to bring in a Bill to indemnify those persons who had acted, not from any wish to infringe the law, but through ignorance. The House, under these circumstances, he hoped, would have no objection, when the Bill was brought in, to pass it through with as much rapidity as possible, in order that no inconvenience might arise.

Mr. *Wynn* was convinced that there was no neglect to be imputed to the members for taking their seats, none on the part of the commissioners for administering the oaths, but that the neglect had been on the part of those who did not recommend the filling up of the office of Lord Steward much earlier.

PROCEEDINGS RELATING TO THE EXPULSION OF MR. BENJAMIN WALSH.] The order of the day, for the attendance of Ben-

Digitized by Google

jamin Walsh, esq. in his place, being read, and Mr. Walsh not being in his place,

The *Speaker* directed the messenger who served the notice for attendance, to be called to the Bar.

Mr. John Skelton, the messenger, then appeared at the bar.

The *Speaker*. Did you serve the order on Mr. Walsh yesterday?

Mr *Skelton*. Yes, Sir.

The *Speaker*. At what hour?

Mr. *Skelton*. At eleven o'clock yesterday morning.

The *Speaker*. Did you see him?

Mr. *Skelton*. Yes, Sir. I saw him.

The messenger was ordered to withdraw.

The *Speaker*.—I have now to inform the House, that I have received another Letter from Mr. Walsh, stating, "his physical inability to appear to-day, or to face the House on this occasion; his hope that his former letters may be read, in which he does not mean to justify but only to palliate his offence; and his desire that the House will now proceed to decide on his case"

Mr. *Bankes* then rose and observed, that in bringing forward, which he should do, a charge of a most serious nature against a member of that House, followed up as it would be by the severest punishment which the House could inflict, he should think himself highly blameable if he proceeded in such a manner as to set a precedent, which in future times might place an innocent man in trouble, and open the door to ground enquiries into individual transactions between man and man, by creating inquisitorial powers in that House to examine into their private concerns; but such was not his intention, for the Letter from Mr. Walsh, which he had moved for, and which had been printed. (see p. 940), was not of the nature of a private document, it had been publicly read in court, and therefore he might be fairly justified in assuming that he did not intrench upon any private rights. He agreed with those who thought that judicial power should be assumed by the House of Commons as seldom as possible, nor was the present the first opportunity that had been afforded him of expressing the opinion, how little suited were its functions for such a purpose. Much less would he wish that questions of individual property, or of general character should be there discussed, since it ill suited the dignity of the House, that through it, means should be afforded to private malevolence to scrutinize every deviation from the strictest rules of moral rectitude; but it was inherent in the House of Commons, and was a part of the constitution of every aggregate body, to preserve its character and reputation. If the House was proud of the splendid talents of some of its members,—if it felt gratified by the exertions of military prowess by others—or if it owned with satisfaction the dignity it derived from the not less important, though less glaring virtues of integrity and rectitude in others, it was impossible for it not to suffer in an equal proportion, if men whose characters were stained by vice and corruption were still permitted to retain seats in a body, where their peculiar deformity was rendered the more conspicuous by the general excellence of the whole. Unless from time to time wholesome remedies were applied to purify it, it was impossible that this main limb of the constitution could continue healthy and vigorous. It was scarcely necessary for him to deduce instances from ancient history, where this power had been exercised: the extensive and uncontrouled authority exercised by the censors over the Roman senate was well known, not only on important occasions, but sometimes with capricious indiscretion. They long endeavoured to check the progress of the swelling tide of luxury and corruption, and long succeeded; at length they were overpowered by the weight of the torrent; the censorian power was overwhelmed, and when again it rose and endeavoured to re-establish its footing, the efforts were feeble, and the attempt was vain; the flood of luxury and vice expanded itself over the whole empire, and at last extinguished the few remaining sparks of virtue and patriotism which had once blazed forth so conspicuously a glorious example to surrounding nations. The British House of Commons, however, had prudently never permitted this censorian power to be exercised by any other hands than its own, and many examples of its exercise must be present to the minds of those acquainted with its history, which had been re-printed together in the year 1807. Cases of all kinds might here be discovered, but no general, positive, or precise rules appear to have been laid down; but the House exercised its discretion according to the facts of the particular case presented to its consideration. There were expulsions for libels on persons in and out of the House, where the

Digitized by Google

legal acceptation of the word had never been contemplated, and for gross immorality and impiety in denying the principles of the Christian religion, had been deemed, in the beginning of the last century, a sufficient reason for thus severely expressing the indignation of the House. He did not mean to enter into the merits of these cases; he only cited them to shew that the Commons had always considered themselves masters of their own proceedings regarding their own members. The expulsion of colonel Cawthorn, in 1796, was entirely a new case, and much doubt was entertained of the wisdom and prudence of the proceeding; but among all the precedents there were none of more frequent occurrence, or which had been visited more uniformly by the just punishment of the House, than cases of fraud, and notorious breach of trust in pecuniary transactions for private and undue emolument. The cases of public were undoubtedly more frequent than those of private fraud, and it was extremely natural that it should be so, since transactions between man and man were seldom brought to light, and until within the last thirty years members of parliament were concerned in the collection of the revenues, in the public expenditure, in the lotteries, and contracts of government. The principle, however, applied equally to all cases of fraud and breach of trust, when coupled with a most material circumstance, the notoriety and publicity of the fact. Could it, in the present case, be made more notorious, than by a trial at the Old Bailey? It was impossible for the House to profess ignorance of what was known to the whole country. It might be, perhaps, urged, that the free pardon granted to Mr. Walsh had altered the case.—In passing, the hon. gentleman said he wished here to notice somewhat of an inconsistency in the administration of justice, namely, that the conviction of the offender on a public trial should be made public to all the world, and that perhaps the next time the subject was heard of, it should be to announce that a free pardon had been granted. In the present instance, indeed, this lenity was not to be deemed an act of grace or favour, but of strict justice, since, under the circumstances, it was impossible that it should be refused. This circumstance, however, in general cases, might be subject to misconstruction, and perhaps ought to be excepted from the praise which so truly belonged to the administration of justice It appeared to him that it was equally important for the public to know the reason for the pardon, as the grounds of the conviction. In the instance before the House, the pardon, however, did not take the fact out of the cognizance of the House, or make it less necessary that the expulsion should be resorted to. The pardon had been granted, as usual, on the letter of the judge, but it had not deprived Mr. Walsh of one jot of the delinquency, or diminished the notoriety of the fact. The hon. gentleman said; he had been asked on a former night by an hon. member whether he produced the letter of Mr. Walsh, to his brother, as proof of what appeared on record? To this he should answer, that he had deemed the free confession of guilt from the delinquent himself an important document for the House to receive; not, indeed, that it would be strict legal evidence in a court of justice, but the House, it should be remembered, was not bound to the technical forms of law, and it would be injurious to the constitution to permit them to controul its proceedings. If, however, strict legal proof were required, it was before the House; besides which, it had the best evidence of the deliberate turpitude of the culprit. He was not even bound to shew that this case came within any of the precedents in the Journals; for if it were, as he believed, of sufficient magnitude for the cognizance of the House, it had not only a right, but was bound to proceed to expulsion. In the year 1732, however, would be found an example, if it were required, fully authorizing this step. It was a case where three members of the House had been driven from their seats for embezzling monies belonging to a public subscription, called "The Charitable Corporation," of which they were directors and managers, which could by no construction be termed public money. A precedent of an earlier date, in 1607, went still further, which he stated merely to shew the extent to which the House had gone. Sir Edward Thomas, in a petition, charged his son, a member of that House, of being guilty of divers frauds, injuries, and abuses, and therefore prayed that inquiry might be instituted. A committee was appointed—the House did not send the father to seek his remedy in the courts of law, but conceiving that the honour and dignity of their body was implicated, directed an inquiry into the merits of the case. The report of

Digitized by Google

the committee was favourable to the son, and consequently there were no farther proceedings had upon the petition. The complaint was not clearly stated on the Journals, but from the nature and connection of the complainant, he rather supposed it must be one of flagrant immorality. He stated the case to shew, in the first instance, that the House possessed large discretionary powers; and in the second instance, that he was not actuated in bringing forward the present charge from any malignant motives. In other cases, the House had expelled members, and directed them to be proceeded against afterwards in the courts below. The hon. gentleman maintained, therefore, that the governing principle upon which the House was called to act, was the notoriety of the fact, demonstrable from papers on the table, which shewed that it was a gross breach of trust, beyond the power of cavil to dispute, and as such entitled to the severest punishment in the breast of the House to inflict. With respect to the attendance of Mr. Walsh, he did not mean to press his absence against him as an aggravation of his offence: had he attended, he should have thought it indicative of a hardened mind after the production of the documents alluded to. He trusted and hoped his subsequent conduct would free him from that suspicion. He then adverted generally to the cases on the Journals, which he considered as bearing on the present, but should the House not so consider them, and be of opinion the present was a new case, then he must contend that the House was bound to establish a new precedent. If the House did not punish, they would become partakers in the disgrace. He concluded with moving, "That Benjamin Walsh, esq. a member of this House, having been tried at the Old Bailey, in January last, for Felony, and convicted thereof, and having received a free pardon by reason of his offence not amounting to Felony in the opinion of the Judges; but gross fraud and notorious breach of trust having been proved against him on the said trial, is unworthy and unfit to continue a member of this House."

The *Speaker*, previous to putting the question, suggested to the hon. member that the documents to which he had referred, should be entered as read on this day. Which was accordingly done. The question was then put.

Sir *Arthur Piggott* stated, that he had so much respect for the hon. gentleman who had just taken his seat, and so much confidence in the rectitude of his intentions, and the integrity and independence of his conduct, that in all matters of indifference, where no important question was involved, he should be inclined, almost without inquiry, to adopt his opinions. In neither of these two distinctions, however, could he place the present case, and he trusted he should be excused if he stated his reasons for thinking it his indispensible duty to oppose the motion. He did so from a deep conviction of its constitutional impropriety, notwithstanding all the odium and reproach with which Mr. Walsh had been loaded; he was satisfied that a concurrence in the vote proposed would be establishing a precedent, the consequences of which, though seen only in distant prospect, appeared most dangerous and alarming. He was little disposed to enter into a discussion of the nature of the jurisdiction that House exercised over its members, but hitherto, in his view, nothing had been adduced which could, in the slightest degree justify so severe and hasty a decision. The cases of libel must certainly be put out of sight, because it was a public crime acknowledged and punished by the law. As little was he disposed to question the propriety of the expulsion of members for breaches of public trust, because no one would deny that the House, which professed to be the guardian of the public purse, had a jurisdiction over such of its members as, forgetting their duty, unlawfully thrust their hands into it; but he could never be brought to agree, that the mere breach of a private trust was any sufficient ground for the vindictive proceeding suggested by the motion just read from the chair. The only precedent of an enquiry of a private nature was taken from times when the usages of parliament were vague and unsettled—the year 1607, the beginning of the reign of James 1. It did not exactly appear what steps were taken on that occasion, and what was the exact nature of the transaction: yet this was the only instance which could be produced, after a most laborious search into the Journals. The case of the Charitable Corporation he would presently prove to be of a very different description. But for the present, setting aside these considerations, he wished to be informed what the House knew, parliamentarily, of the charges and complaints against Mr. Walsh? The record certainly stated, that he was indicted for certain felonies con-

Digitized by Google

tained in seven counts, followed by a general verdict of guilty. The record then (and he wished the attention of the members of the legal profession to what he was about to say) did not contain the judgment of the court upon the conviction, that judgment being postponed to another day. So that there was a verdict without judgment: and yet the hon. mover made use of this record as evidence. He was astonished the hon. mover had so done. What was to be collected from this record? No court could use it for any purpose or act upon it; *non constat*, what the judgment might have been; a verdict of acquittal might have been the result. Supposing the jury had found him guilty, would a forfeiture of goods and chattels as in cases of felony have taken place upon the record, no judgment being on the face of it? the case was reserved for more mature deliberation. All the judges were of opinion that the facts did not amount to felony; there was in truth no ground for parliamentary proceeding against Mr. Walsh, nor had he (sir Arthur) any distinct notice of what the charge was. What the facts were he knew not, and no member, he believed, actually did, except from the Letter of the Chief Baron, which stated that the charge, in the estimation of the Judges, did not amount to felony. If the charges could have been argued before the three judges at the Old Bailey, they must have acquitted him; therefore in point of fact, the case in substance, in reason, and in common sense, stood in these materials, as if he had been acquitted. The hon. and learned gentleman declared that he did not know Mr. Walsh; had never seen him, nor had the slightest intercourse with him; he viewed him in the light of one of the King's subjects, entitled to the benefit of the law, of which, in his opinion, Mr. Walsh was now substantially in possession, for he could not consider the result as any thing less than an acquittal. All the time, therefore, he had been detained as a convicted felon, he had been unjustly detained. The letter of the Chief Baron, to be sure, said that the facts in the charge were proved, but that it did not amount to felony. The pardon consequent upon that letter might be considered as a free pardon, for it authorised the sheriff to discharge him out of prison. Independent of that consideration, there was no ground for any parliamentary proceedings. Supposing the facts were as stated, he could not be prosecuted further in any of the courts below; nor could any criminal punishment be inflicted upon him. Supposing the crime to be a breach of trust, how did the record connect itself with the crime charged, and what had the House, under those circumstances, to do? It was not because the facts were notorious in a newspaper, that therefore the House must proceed. All that Mr. Walsh had suffered had been wrongfully endured: he did not impute blame to the prosecutors, but they had mistaken the nature of the charge. It behoved the House, therefore, to consider the principle they were called upon to recognise and support, and not make a precedent, which, thirty years hence, when Mr. Walsh and his history were forgotten, might be complained of. The case of notoriety had nothing to do with the question. It had no resemblance to the Charitable Corporation case—that was a fund established in the reign of queen Anne, amounting to 30,000*l*. The directors of it afterwards repeatedly applied to the crown, with false allegations, for the Queen's licence to extend the funds of the charity, and the consequence was, they obtained, by these undue means, leave to extend the subscriptions to 600,000*l*. At last, in the year 1732, when immense debts were due from the corporation, a Petition was presented from the proprietors to this House, stating gross abuses practised by three members of that House, directors of the fund, to buy stock when low, and sell when high; the whole amount of their pledges for 400,000*l*. (the debts of the corporation) were about 30,000*l*. The House, upon the representation and complaint, took the matter up as a case of high state delinquency, and appointed a committee, who, after two sessions of minute and laborious enquiry, found sir Robert Sutton, bart. sir Archibald Grant, and George Robinson, esq. the three members, guilty of the charges, and they were afterwards expelled the House. That case, so far from originating in a private matter, was notoriously a public one, for after their expulsion, the House came to a Resolution, in 1733, to address the King, to direct his Majesty's law officers (sir Philip Yorke and Mr. Talbot, the Attorney and Solicitor General), to prosecute them. There were no less than seven acts of parliament passed in that reign upon the subject of this enquiry. The House would consider this question without making any reference

Digitized by Google

to the present state of parliament, and they should endeavour to remove nothing further from them than party feelings on such a subject. Though he believed no person now in existence, who was in that House, was any more capable of making an improper use of the precedent that would be established, if Mr. Walsh were expelled, than himself, yet when they were all no more, posterity would have a right to ask of the House on what principle the precedent was established (if it were established), which was thus made in 1812, a precedent which might afterwards in the hands of bad men be productive of the most mischievous consequences. The case of Mr. Walsh was a case between individuals. Many breaches of trust equally gross had come before the courts of equity, without its ever being thought of to follow them up in the manner now proposed. The notoriety of the offence had been insisted on, as a ground why they should come to the vote proposed, but that sort of notoriety which had been described was not what parliament could proceed upon. No divorce bills could ever pass without the fact of adultery being proved at their bar, and yet the offence on which the application to parliament in such a case was grounded was as notorious as the transaction in which Mr. Walsh was concerned. If a breach of trust were confessed in the court of Chancery by a member, though there the questions put, and the answers given, could be brought much more distinctly before parliament, still no man could tell what the facts of the case were; at least no man could, in a parliamentary sense, be said to know what they were. Would the House enter into an enquiry into such a subject, or would they bring forward the incomplete record of a conviction at the Old Bailey, which could not stand, and proceed upon that? Was the House to be made subservient to such transactions? He apprehended not. It had never been so used before. However Mr. Walsh had, in the present instance, disgraced himself in the eyes of society, he thought the House could not take cognizance of the action. The hon. and learned gentleman said, his opinions were of so little weight that he was aware they would influence nobody else; but he wished to guard against establishing so dangerous a precedent as that which the motion went to establish; and, acting up to what he conceived to be his duty, he certainly should not concur with the proposition before the House.

Mr. *Bathurst* acknowledged the great legal abilities and qualifications of the last speaker, yet thought that it was impossible they could be more misplaced or misapplied than on the present occasion. The hon. and learned gentleman had stated, that an arbitrary discretion should not be allowed to the House. If the hon. and learned gentleman meant that the proceedings of the House should not be suffered to be capricious and vindictive, he fully agreed with him; but if he meant that the House should be bound by strict technical rules, he entirely dissented from that opinion, and had a very different idea of the constitution of parliament. As to immoralities committed by members of parliament, he did not see how they affected the present case. Such *immoralities* might exist without injury to the public official character of a man, but the conduct of Mr. Walsh was marked with peculiar turpitude; and breaches of trust were precisely of a nature to affect the characters of members of parliament, as members. He felt no desire of purifying the House; and had he conceived that the present motion was the result of ministerial influence, or party feeling, or private spleen, he would not have given it his support: but it stood on different grounds,—on transactions which had passed in a public court of justice. The hon. and learned gentleman had, indeed, worked himself up to say, that because this was not a felony, it was no crime. He had stated, that there were no facts on the record, yet that record contained an indictment which in seven different counts alleged express charges of stealing and converting bills, notes, &c.: and the jury had found the prisoner guilty on such charges. Surely, here were facts; nor did he see how a special verdict could furnish more. The Chief Baron, too, had stated that the facts were proved, though on a question put, the judges had agreed that it was no larceny, and a pardon had consequently been granted.—The hon. and learned gentleman had said, that the offence of Mr. Walsh would not work a forfeiture of his goods and chattels: but what sort of argument was that? Was not his character forfeited, and was not that completely proved? The argument went to this length;—a man was charged with a felony: he was not guilty of that, and, therefore, he was entirely innocent. But

Digitized by Google

was there no moral turpitude on which the present motion might be supported? An instance, which had been quoted by his hon. friend the mover, clearly proved that the House had acted on such principles. It was the instance where they had first expelled a man, and afterwards ordered him to be tried; so that he was proceeded against, not on the ground of a legal conviction, but of a moral turpitude; an instance which shewed that the House would not suffer a member so contaminated to retain his seat. In the present case the moral guilt had been proved—no circumstances of mitigation were suggested, and, besides, they had *confitentem reum*. There were, perhaps, no precedents of an exactly similar nature. The case of the Charitable Corporation was not precisely in point; but could it be urged, that because members acting in a corporate capacity had committed frauds, and been punished, they would not have met with the same punishment if they had individually robbed and cheated the subjects of the realm?—The right hon. gentleman then proceeded to review the various cases of former expulsions, as far as they bore on the present subject; and observed, that if the House had not authority to expel Mr. Walsh, there was no other authority that could do it: there was, in fact, no mode, but by the House conferring upon him a nominal office. His constituents, indeed, might afterwards return him, if they chose to adhere to a person so contaminated. The disgraceful offence of the individual was notorious; and nothing was advanced against the motion, except by technical objections. When the hon. and learned gentleman wished the House not to let their feelings run away with them, he must, himself, at the same time, have felt the great indecorum, the gross indecency of such a person sitting in that place. Under all these circumstances, seeing no probable danger from the adoption of the motion, but seeing great danger from the rejection of it, he felt it impossible for him not to give his sincere and ardent support to the motion.

Sir *A. Piggott* hoped no one who heard him could so far have misunderstood him, as to suppose that he meant to say there was nothing criminal in the conduct of Mr. Walsh. What he had said was, that the crime did not come within his jurisdiction; that it was not the crime it had been said to be in a legal point of view.

Mr. *Hume* conceived it to be the practice of the House, to take notice invariably of facts relative to the misapplication of public funds by those who were members of it; but he could learn of no precedents applicable to the present case. Mr. Walsh's crime consisted in the appropriation to his own use of a sum of money belonging to another. If that fact alone were to be considered sufficient for the proceedings of the House, let them look at the trials in the courts that were constantly occurring, and they would see how the principle might affect three fourths of the country. The House would have enough to do, if they were to give their attention to that subject. He wished to look at the question as it actually stood. Mr. Walsh had been acquitted by law; and he ought to have been acquitted on his trial, if the judge had done his duty, and knew what the law was. Let the House look at the case of captain Tomlinson, who actually received a remuneration of 800*l.* to cover the expences incurred by the proceedings against him. It was certainly not a sufficient reason to censure Mr. Walsh, because he had been tried at the Old Bailey, a circumstance on which some stress had been laid. Any man, however innocent, morally or legally, might be so circumstanced as to be brought there for trial. If the offence of Mr. Walsh was to be proceeded against by the House, under all its circumstances, he thought that the House was bound to go farther; and then, how far were they prepared to act? It was a greater fraud than Mr. Walsh's, and a more frequent one, to send to tradesmen, to buy goods to four times the amount of Mr. Walsh's transaction, deliberately, and with a perfect knowledge of the want of either capability or will ever to pay for them. The evil in the latter case was very extensive and very serious. He must therefore dissent from the principle of the motion, because it would, if followed up, be productive of incalculable difficulty and mischief. With respect to the moral turpitude of the offence, on which it was asked how they could allow Mr. Walsh to sit in that House, it appeared to him, that the very letter so much relied upon tended to shew, that the offence was not one proceeding from confirmed depravity, from a bad heart; but that, on the contrary, it shewed the writer to have been conscious of his error, and speedily to have repented of it. If any thing could extenuate his fault, it was to be found in that letter. But allowing the moral tur-

Digitized by Google

pitude to be a cause of expulsion, he thought the House bound to begin such expulsions with acts of a more flagrant nature: such, for instance, as disturbed and destroyed the peace of families, and in so doing, inflicted the severest injuries on the community. Persons committed acts of this sort with perfect notoriety, and were even convicted of them, without any notice of this kind: they were known by positive evidence of ten-fold more strength than what was now adduced against Mr. Walsh, in a mere pecuniary transaction. The House should take these things into their view, if they attempted to set up moral turpitude as the ground of expulsion, and not begin with a comparatively paltry consideration. He hoped, therefore, that the motion would not be pressed upon the House.

Sir *Francis Burdett* said, that he was very far from being a stickler for what were called the privileges of parliament, but certainly if there was a privilege or a power in any body or assembly, less disputable than another, he conceived it to be that of declaring any one of the individuals of which they were composed unfit and unworthy of associating amongst them: it was at all events a power, which, when compared with the other extraordinary privileges assumed by parliament, appeared to him to be, of all others, the least liable to abuse; because if any member was expelled from any motives of party zeal, or personal persecution, a remedy would be open to him in an appeal to his constituents, who, if they thought differently of his conduct, could unquestionably restore him to his seat. This must be the case if elections were what the constitution meant they should be—fair and open, and general throughout the country: if the people who paid the taxes really sent to that House the persons whom the constitution entrusted with the province of levying them, why then there could be no difficulty, because there could be little fear of the people not confirming the sentence of expulsion passed on any gross defaulter, by refusing to re-elect so unworthy a representative. But since the anomaly of private boroughs, since the introduction of persons into that House, who came in professedly to vote at the beck of the borough proprietor, a great difficulty arose—if one of those persons was expelled, might he not be sent back to the House upon the same, or some other borough interest; or if he had purchased a seat in that House and was expelled, could he not, if he had the money, purchase another? The truth was, that if a person so circumstanced thought proper to maintain his footing in that House, there would be no remedy. The hon. gentleman with whom the present question had originated, had talked of that House as a high court, and yet he gave rather a singular description of this court, which had no rules, no regulations of its own, no principles, nothing but the then will and pleasure of the fluctuating body, of which that House might be at any time composed. Such was, in his mind, a most extraordinary court of justice! But as to the right of that assembly to expel one of its own members, he thought there could be little doubt of the right of every body to try to purify itself. He understood, that, in 1809, the members of the Stock Exchange had expelled Mr. Walsh for what they termed to be gross and nefarious conduct; now, certainly, if the feelings of the gentlemen upon Change were so sore at the idea of associating with Mr. Walsh, he did not see why that House, even constituted as it then was, should not be allowed the privilege of removing from themselves, in a similar way, an annoyance of the same kind. There was no doubt, he believed, that Mr. Walsh had purchased the seat he then held in that House. It appeared, in the investigation of his books and accounts before the commissioners of bankruptcy, that there was an item of 5,000*l.* charged on the assets of Mr. Walsh, on account of his seat in that House, and such odd and whimsical confusion did it produce amongst the commissioners, that after ineffectual efforts to meet the difficulty, they were obliged to resort to delay to evade it, and soon after Mr. Walsh's debts were paid, the bankruptcy superseded, and the matter heard no more of. With respect to the proceedings recently had against Mr. Walsh, they appeared to him to be of a nature the most inconsistent, incongruous, and absurd. There had been a trial and no trial, an offence and no offence, a pardon and no pardon. Mr. Walsh had been indicted for felony, tried and convicted, but the verdict was a false one. How came this? It was found subject to the opinion of the judges hereafter—a mode of finding, of which, by the bye, the fewer instances that occurred, the better. But what sort of law must that be? In what state must those laws be, of which the great law expounders themselves were ignorant? If

Digitized by Google

the judges themselves did not know the law, was not that law a mere snare for men, instead of being what it ought to be, a safe-guard? This was a topic, which, in his mind, called for the most serious consideration. With respect to the pardon—he doubted if it could be properly so called—he had understood that a free pardon must pass under the great seal—he was sure that at least, in the present instance, there should have been more publicity. Mr. Walsh should have pleaded his pardon in open court; the reasons for granting the pardon should have been stated at large, and the judges would be then bound by their oaths to say, whether the reasons were, according to law, fit, just, and adequate. As to the intention of Mr. Walsh, his letter left no room for doubt, though he knew not how that letter got into public circulation, or by what management at the Post-Office it was, in the first instance, secured. However, he thought there had been full enough made out to convict Mr. Walsh of an abominable fraud; and as being guilty of such fraud, he should certainly vote for his expulsion from that House.—Before he sat down, he wished to mention one or two cases, which, in his mind, the House ought to have prosecuted with as much, if not with more rigour, than the present. These cases were not drawn from remote, but recent times; for, as for precedents of the proceedings of that House, there was scarcely any thing for which there might not be found a precedent in the heated and violent times that had passed at different intervals. The first instance he should mention was that of Mr. Steele. His fraud, in a public point of view, was of infinitely greater moment than the private transaction in the present instance; and yet there had been no notice taken of it. It appeared upon the report of the Finance Committee, that, during the administration of Mr. Steele, the then Treasurer of the Navy, he was in debt to the public to the amount of 19,000*l.* It might be said that he had paid this money back: this was no alleviation whatever, and the interest was at all events lost to the public.—The next case he mentioned was that of Mr. Hunt. This person had been let go to Portugal, where he could have been easily apprehended, if the government had thought proper. He was now in the Brazils, where they could as easily apprehend him; and yet this defaulter, he understood, was at that moment in the actual receipt of two pensions from this country, to the amount of 1,000*l.* a year—one of them granted him in the year 1802, the other in the year 1804. Another instance was that of Mr. Mills, who, for the purpose of cheating his creditors, bought a seat in that House. He was at the time a prisoner for debt to an immense amount in the King's Bench: his creditors petitioned the House* and besought them not to interpose their privilege in behalf of a swindling trick to defraud them. The petition was, however, of no avail. Mills was enlarged, and took the opportunity his privilege of parliament afforded him, of escaping to America. There was another case of greater public enormity than either, because much more pregnant with mischievous consequences, and that was the case of Mr. Pitt advancing 40,000*l.* of the public money to Messrs. Boyd and Benfield, two of the host of voters at his beck—the greatness of the individual in that House might have then protected him—he might have been saved, perhaps, by a majority of such votes as he influenced in this way: they had heard of late enough to shew that such influence did exist; for what else could be meant by drawing the distinction between what ought, and what was not to be considered as a cabinet measure: but of this transaction of Mr. Pitt, he had always entertained the same opinion, and thought it a gross abuse of his public duty under the shameless pretence of supporting the public credit—(Hear, hear, from the ministerial benches!) If it was for the support of public credit, he could only say that it did not tend to support the credit of that House with the public. (Hear, hear!) If the hon. gentleman who had preceded him in the debate, thought that House to be made of a collection of—he knew not how to name them—if there were any or many such persons in that House, or in the country, that would be with him a tenfold reason why the evil should be stopped before it proceeded to such excess, unless they should go on the principle, that where roguery was so general, it was more prudent to pass it over. And this reminded him of that part of the dialogue between lady Macduff and the child—her son asks, "and must they all be hanged that swear and lie?" Lady Macduff replies in the affirmative. "Who must hang them," demands the child. "Why, the

* See Vol. 9, pp. 733, 734.*

Digitized by Google

honest men." Upon which the child observes, "then the liars and swearers are fools, for there are liars and swearers enough to beat the honest, and hang up them."—The hon. baronet concluded, by observing, that he had endeavoured, then, to explain his opinions, and the reasons of the vote he should give, which was on no other ground than his abhorrence of the conduct of Mr. Walsh. If the House had any power of expulsion, they had a right to exercise it in getting rid of one, who, in public esteem, was evidently and totally unworthy to remain in their society. This was his opinion, who could not be supposed to entertain any very high notions on the subject of the power and privileges of that assembly.

Mr. *Herbert* said, he could not see how the House could punish a man merely for moral guilt, unless they went on a broader scale, and visited the higher crimes: otherwise they might act severely to the poor, and mildly towards the rich. He did not dispute that Mr. Walsh's act might be highly criminal; but it was not so in the eye of the law. The indefinite epithet "disgraceful" was emphatically attached to it: he did not deny its propriety; but how many different opinions might there not exist as to the applications of that term, according to the different feelings of different people? He recollected in Mrs. Macauley's History, an anecdote of Henry Martin, one of the regicides, who was caned in the lobby of the House of Commons by the earl of Northumberland, for opening a letter of his lordship's at the post office*; and the historian expressed her wonder that the House of Commons did not expel him for submitting to it. She thought it disgraceful. Some persons might think it disgraceful not to go to church; and others might think the same of illicit intercourse with the sex. He saw no end to proceedings founded on conduct considered as "disgraceful." He knew nothing of Mr. Walsh, but he thought the grounds of the motion insufficient. Crimes of much greater moral turpitude and injury to society were passed by, and it would be too much to begin the moral ground of expulsion on an offence of this description. The measure seemed calculated to involve the House in difficulties.

Mr. *Abercromby* rose for the purpose of opposing the motion. He thought that the House should attend as much to the danger of setting a bad precedent, as to their feelings of indignation at the immorality of the action of which Mr. Walsh was guilty. As to the right that the House had to expel its members, that had been settled by long usage. There were three great classes of cases upon which they had frequently been called upon to exercise that right. The first was, the case of contempt of the House itself. Without the right of expelling in such cases, the House would not be safe, as they had no other tribunal to which they could look for protection. The second class was, breaches of public trust. In these cases the House exercised its jurisdiction on sound and solid principles: for as it was one of the primary objects of that House to take care of the public purse, if it appeared, that any member had appropriated to his private purposes any public money intended for the public good, the House was certainly called upon to inflict its severest punishment on the offence. There was another class of cases, namely, when persons had been found guilty, and punished for gross offences. In these cases the House paid that respect to the sentence of the laws, and to the laws themselves, as to deem a person so convicted and punished, to be an unfit person to sit in that House. The present case, however, was widely different: there was a record of conviction it was true, but then that record was incomplete, as there was no judgment upon it. The counsel for the prisoner preferred the reserving a point, to taking a special verdict, as that might have been brought before the House of Lords, and occasioned a great delay, during which time Mr. Walsh must have remained in imprisonment. If it had been a special verdict, there would not have been a conviction. As to the mere immorality of the act, he thought that principle might be carried to a most dangerous extent. If they were to go to the courts of equity, they would find innumerable instances of persons confessing themselves to have been guilty of breaches of trust; and it would be very hard to draw the line, and say what sort of a breach of trust should make a member liable to expulsion, when another sort did not. It was said, however, that the notoriety of the offence should determine the punishment. But it appeared to him, that it should rather be

* See Parliamentary History of England, Vol. 3, p. 109.

Digitized by Google

determined by the nature of the offence than the notoriety. He thought that it was a dangerous principle to leave the House to determine on every separate case by the feelings of the moment, as that course might often lead them to determine in a manner which it would be very dangerous to lay down as a precedent.

Mr. *C. W. Wynn* thought, that the subject was surrounded with difficulties of a perplexing nature: on the one side, there was a natural wish that the House of Commons should not suffer in character from one of its members; and on the other side, there was a difficulty in making a new precedent. In the case of the Charitable Corporation which had been cited, the money was not considered as public money, but as the money of individuals. In all the records we had of the proceedings upon that subject, we should find on reading the debates, that it was never stated as an embezzlement of public money, but merely as a breach of trust. It would be hard to call the money that the South Sea Company got hold of, public money; it was private money, the property of individuals. The hon. and learned gentleman who spoke last, had laid some stress on the cases of persons convicted and punished for offences contrary to law. He would, however, state on the other hand, that in the case of Mr. Wall, who had been expelled for perjury, there had been no punishment: and in the more recent case of Mr. Atkinson, no judgment had been given. In those cases, therefore, there had been no legal disabilities created: and yet the House expelled the member on the ground that it was the infamy of the offence, and not the punishment, which made the person unworthy of being a member. As to the practice of saving a point of law for the decision of the judges, although it was a common practice in civil cases, yet it was not common in criminal cases; and he believed that it was done in this case at the particular request of Mr. Walsh's counsel. If there had been a special verdict, and it had come before the House of Lords, (but it was not likely that the prosecutor would have brought it there), he did not think a serious delay was to be apprehended. He believed that criminal appeals took the precedence of civil appeals; and in the case of Hart and White, there did not appear to be any great delay. An hon. gentleman seemed to consider Mr. Walsh's letter as an extenuation of his offence. Now, it appeared to him that it was quite the contrary. It appeared by that letter, that Mr. Walsh conceived that there would be no offence in the eyes of God or man in cheating Mr. Oldham for the benefit of his own family; but he allowed that the seizing the money of his friend sir Thomas Plumer was not quite so proper. In this letter he saw nothing but the common cant of sentiment and morality, opposed to the plain dictates of reason and common honesty. An hon. baronet had compared the case of Mr. Mills with the present case; but it appeared to him that there was a very great difference. Mr. Mills was imprisoned for debt, not upon execution, but upon mesne process. Any man in the kingdom who was not a member of parliament, might be in the same state, if any other individual chose to swear a larger debt than he could procure bail for. If this was allowed as a sufficient cause for expelling a member, any person might be so prevented from taking his seat in that House by any other person in the nation swearing, even the day before the election, that such person owed him such a sum of money. If it would be absurd to allow the unsupported affidavit of a single individual to prevent a man from being elected a member of that House, it was evident that when once elected he ought not to be prevented from attending his parliamentary duty. In the case of colonel Cawthorne, that member was expelled, although he had been tried before a court martial appointed at the pleasure of the King. The object of the present motion was not to punish Mr. Walsh, but to take a very important trust out of the hands of a person entirely unworthy to hold it.

Mr. *C. Adams* supported the motion, upon the ground that it was a case of great atrocity, the person against whom the fraud was committed being the friend and patron of the person who committed it. He hoped the House would not disgrace themselves by having amongst them so degraded a delinquent. There was no society, however insignificant, who did not exercise the power of expulsion in atrocious cases, and though he did not pretend to nicer feelings than others, he should feel most awkward on coming in contact with such a person.

Mr. *Lamb* thought the subject of most grave and serious importance; but the argument being already exhausted, he could not hope to add to the information of the House. He was surprized to hear

Digitized by Google

the notoriety and publicity of the act brought forward as an argument for expulsion; for, certainly, unless the circumstances themselves justified the House in going that length, the notoriety should have no effect. Another argument to which he objected, was that which was urged by the hon. gentleman who spoke last but one; an argument which would induce the House to expel their member, lest a handle might be given for public charges against their proceedings. He hoped they would not be influenced by any such consideration. He hoped they were there to declare the law of parliament. By doing which they would have no reasonable ground for charging that honourable House with corrupt motives. It had been said, that in the case of Mr. Wall, the House was satisfied with a record of conviction without judgment; but here we had not only a record without judgment, but with a reason why there was no judgment. He disapproved generally of the practice of reserving points for the judges, instead of taking special verdicts, and supposed the reason why the prisoner's counsel had consented and thought proper to reserve a point in the present case was their confidence that the law was in his favour. It had been said, that this was a case of pecuniary trust, and therefore peculiarly unfitted the person for holding a seat in that House; but he did not conceive that the functions of that House were so exclusively of a pecuniary nature as to render offences of that class the only consideration. The hon. gentleman who spoke last but one, had stated many circumstances which aggravated the moral guilt, but that very fact of the aggravation of the moral guilt was a reason for the exercise of greater caution, as it was in the heat and indignation produced by such transactions, that dangerous precedents were most likely to be established.

Mr. *Whitbread* begged leave to offer a few words before the question passed to a vote. This was one of the instances which proved how necessary it was for men to guard against first impressions; for there was no man who in the first instance did not think that Mr. Walsh's conduct to sir T. Plomer ought to be visited with expulsion. But the more he thought on the subject, the more he was inclined to conclude that it ought not. In his opinion, he ought not to be expelled as a punishment, but kept in his place, and obliged to attend every day. The happiest thing for him, under the circumstances, was to be expelled. Gentlemen had cautioned the House against giving a handle to those who were inclined to vilify it, by permitting him to retain his seat; but the very ground upon which those persons vilified the House, as it was called, was on the existence of such means as those by which Mr. Walsh obtained his seat. He would allow that if there were grounds to justify his expulsion, the want of precedent should not prevent it: but there were no grounds. Was Mr. Walsh, in the eye of the law, guilty or innocent? If he was innocent of the felonious offence, was he guilty of any other legal one? They would find, on appealing to the Judge's letter, that though the fact of his having formed a design to convert the money to his own use was proved, the fact did not amount to legal guilt; so that not only was he not guilty of what was charged against him, but what was proved against him was no legal crime. Supposing that sir T. Plomer had not prosecuted, but that this letter had come into the possession of the House, was there a man in it who would have ventured to make the motion now before them? He thought not; and if he was right in thinking so, it was wrong to call upon them to act in the present proceeding. As to the fact of every society having a power to expel its members, he knew of nothing that could be less applicable to the House in which they sat; for those societies being self-elected, acting mostly from caprice, and having no other laws than those which they made for themselves, bore no analogy to the principles which ought to govern them. Was it because the Stock Exchange had expelled Mr. Walsh that they should proceed to do so? Were that the case, they should have done so long before. If the King in council had thought proper to erase the name of a privy counsellor, would that be any ground for the House to proceed upon? It certainly would not; and yet if the act of any body could be supposed to bind them, that would be the act. As to the case of the Charitable Corporation, it did not apply. The Commons always proceeded by an enquiry of their own, to ascertain the guilt of their members, and he begged gentlemen to recollect what had been said on a former occasion, that the honour of the House was as much concerned in its proceeding against a rogue, as in not sitting with a rogue.

Digitized by Google

The *Attorney-General* wished to reply to some observations that had been made, and to state the grounds on which his opinion was formed. It had been said, that the guilt was not proved, as it was not followed up by legal judgment. He would agree, that conviction having been taken subject to the opinion of the judges, and that opinion having been against the felony, Mr. Walsh should be considered as having been acquitted. He agreed also, that the notoriety of the transaction should make no impression, the question being not whether the transaction was notorious, but whether it constituted that kind of offence for which the individual ought to be removed from that House. As to the manner in which the question had been brought before the judge, it was strictly according to the practice of the last sixty years, and was preferable to the course of special verdict, as being less expensive and more expeditious: it was also in the present case the wish of the prisoner. He was sure the learned persons engaged in such investigations, would deprecate any interpretation of their opinions as given on the case, in any other light than that of an acquittal. So far he had no difficulty, but upon what remained he felt considerable difficulty indeed. There was no course of proceeding to which he could compare it but that of Corporations. It was well known that no person was permitted to remain in those bodies, who was guilty of any flagrant offences; there were different offences for which corporators were liable to be disfranchised, and here he should just observe in passing, that Mr. Walsh's crime did not amount to a misdemeanour, as he was not brought in guilty of a felony. If a corporator was guilty of any offence which might be tried in the courts, they did not proceed to act until he was legally convicted; but if he was guilty of any offence for which no legal trial could be instituted, such as offences against the body itself, they might still expel him. He did not find that the same course was pursued in that House. There were instances in which the House first expelled, and then directed prosecutions against its members, which was surely enough to shew that they did not proceed in the same manner as corporations. He could not conceive that the ground upon which they proceeded to expulsion was that of the offence being triable, for if that was the case, they would order the trial first. What, then, was the nature of the offences for which the House expelled? Several cases had been quoted by his hon. friend, and principally that of the money for charitable purposes. It was not precisely in point with the present case, nor did it come up to a misapplication of the public money. It was no more a misapplication of the public money than this. What, then, was the ground upon which the House would proceed to expulsion in a case of that description? The only case that bore any resemblance to it, was that which he had already mentioned: and if the House had proceeded on it, not as a misapplication of public money, but as an act of gross dishonesty, it was at least equalled by the act that had been committed by Mr. Walsh. Indeed he could not conceive any case more repugnant to all moral rules than Mr. Walsh's. The former resembled the dishonesty of a trustee, but the latter was not merely a misapplication of money which had come into his hands, but a deliberate act of fraud; a cold looking round to see whom he could plunder; fixing first upon one, from whom he withdrew, only because he found it impossible to accomplish his purpose, and then turning to his benefactor for no other reason than because he wanted money himself, and thought sir Thomas Plomer could do very well without it: a case of cooler and more deliberate villainy had never come under his inspection. If they were to act from any paltry fear of public clamour, instead of proceeding with confidence to do their duty, they would act in a manner unbecoming their situation; and, basely as he thought of Mr. Walsh, he would not vote against him if he entertained any doubt of the justice of the precedent which that vote would establish. He respected the opinions and doubts entertained by gentlemen on this motion, and had stated the manner in which it had struck him, without confidence. He was not able to distinguish at present between it and the case of the Charitable Fund, and thought that if the House was justified in proceeding to expulsion in that instance, it would be justified in the present. It was with great difficulty he came to this conclusion, and he was very ready to hear any arguments that might be urged against it, and to adopt them if they were just.

Mr. *Elliot* expressed his fear that the House might be too anxious to relieve themselves from the embarrassment of an association with such an individual. There was no function in the exercise of which

Digitized by Google

they ought to be more careful than that of expulsion, as it might be abused by the minister of the day, or by the excesses of popular fury. With these sentiments he was not prepared to launch into an ocean of which he did not see the limits, and therefore he should vote against the motion.

Mr. *Hawkins Browne* declared himself in favour of the motion, and said that he should certainly vote for the expulsion of the unworthy member.

The *Chancellor of the Exchequer* said, he should not feel himself justified in giving a silent vote, though he had little expectation of throwing a new light on the subject. The temperate manner in which it had been discussed, and the total exclusion of all party-feeling, left no doubt that whatever determination the House might come to, it would reflect no discredit on them. The public would not ascribe the rejection of the motion upon such principles as had been stated, to any corrupt motives; nor would they deem his expulsion, if that was resolved on, to party violence and injustice. As to the case of the Charitable Corporation, there was no legal conviction. Yet the House did not rest with expulsion, but directed legal prosecution. He very much doubted whether in that case a legal conviction followed: but whether or not, the House did not wait for it. They had expelled in that case, which was not a case of public money. He agreed that they must take the opinion of the Judges, with respect to Mr. Walsh, as a record of acquittal, but as an acquittal on a special verdict, and incorporated with the letter of the Judge, and the letter of Mr. Walsh himself. They had then a special verdict of the facts, by which it appeared, on the authority of a jury, that he had premeditatedly obtained money into his hands, in a case of trust, for the purpose of abusing it. The House would therefore have to decide, whether that was such a case as ought to disqualify him from sitting in that House. It was a verdict of acquittal, but it was not a verdict which left things in the dark. He agreed with his right hon. friend in doubting whether, if it was not a case of felony, it would amount to a misdemeanour. He rather thought it would not; but he could not think, that because an act of parliament did not make a moral crime a legal one, the House of Commons should be prevented from taking cognizance of it. There were many cases of breach of trust, as stated by his hon. and learned friend, (sir A. Pigott) but if there was a plain one brought forward, upon the mere statement of which no two men could differ in opinion, though it was no legal crime, he saw no danger from the precedent of expulsion. It had been said that it might be abused by the minister or by popular feeling, but they would not be more exposed to such abuse with the precedent than without it, for if the precedent was followed, it must be as a case of great moral guilt, and if they did not follow the precedent, the precedent could not have produced mischief. Could any one doubt, that if in the times when the other cases were adjudged, this had been brought before parliament, parliament would not have proceeded upon it? He believed there was no case of expulsion for larceny. Yet could any one advance that as a reason for not expelling, if a case of larceny should occur? He knew there was great delicacy in exercising this function, but he thought it might adopted with as much safety in this case, as in cases of perjury and forgery. If they were not obliged to wait for conviction, he saw no reason why they should not proceed in the instance under consideration. With respect to the case of Hunt, though a pension appeared in the public estimates last year, it was applied to public purposes. For those reasons he should vote for the motion.

Mr. *Bankes* replied. He contended that the principle upon which the House had proceeded on all their precedents, was the guilt of the individual, and not the legal establishment of a crime. He then took a review of several cases. With respect to Boyd and Benfield, he was astonished how any person could conceive their case bore any analogy to the present. He really could not see the danger of laying down a precedent from the possibility of future abuse; because, before proceeding to expulsion, it was necessary to have a fraudulent subject to work upon; and he could hardly conceive that any member would become guilty of moral guilt to please any man.

The House then divided, when the numbers were,

For the Expulsion of Mr. Walsh	101
Against it	16
Majority	85

List of the Minority.

Abercromby, hon. J.	Brougham, H.
Bennet, hon. H.	Fulkestone, lord

Digitized by Google

Greenhill, Robt.	Piggott, sir A.
Hume, (member for Weymouth)	Romilly, sir S.
Herbert, H. A.	Sharp, R.
Lefebvre, Shaw	Whitbread, S.
Martin, Henry	Vernon, G. G. V.
O'Hara, C.	TELLERS.
Parnell, Henry	Elliot, rt. hon. W.
	Lamb, hon. W.

RIGHT OF PETITIONING THE PRINCE REGENT.] Mr. *Whitbread*, seeing a right hon. gentleman in his place, would take the liberty to ask him whether he had communicated to his royal highness the Prince Regent, that a noble lord, a member of that House (lord G. L. Gower), had in his hands a petition signed by some thousands of persons concerned in the Staffordshire Potteries, which he was anxious to present to his Royal Highness?

Mr. Secretary *Ryder* replied, that he had communicated to his royal highness the Prince Regent the letter which he had received from the noble lord on the subject; but, previous to that communication, he had answered the noble lord's letter, by informing him that the usual mode of presenting such petitions was at the levee, but that no levee day having been appointed, to avoid delay, if the noble lord would transmit the petition to him, he would immediately lay it before his royal highness the Prince Regent.

Mr. *Whitbread* observed, that the noble lord had stated the other night, that having apprised his constituents of the communication made to him by the right hon. gentleman, they had instructed him to present the petition to the Prince Regent in person. Had the right hon. gentleman stated this circumstance to his Royal Highness?

Mr. *Ryder* said, that he was not aware of having received any other communication himself from the noble lord, than that which he had already mentioned.

HOUSE OF COMMONS.

Friday, March 6.

MUTINY BILL.] The House having resolved itself into a committee on this Bill,

Mr. *Whitbread* wished to propose a clause, which however he hoped the hon. gentleman opposite would frame, as he would do it much better than he could. Schools had been established in the army, in order to qualify the soldiers for non-commissioned officers. He had understood the officer could order the men to attend such schools, but a learned judge had declared, that such order was illegal, and that consequently a soldier refusing to obey such command, and advising another not to obey, was guilty of no offence. An action was pending against him (Mr. Whitbread) for imprisoning a man under such circumstances, which was to have been brought on that day, but which had been postponed, after having been kept hanging over him a year a half, at a very considerable expence. Now, when a provision was made in the Army Estimates for maintaining such schools, and officers were directed to send the men under their command to them, he thought they ought to be empowered to force their attendance. He begged to read what had been said by the learned judge. His words were: "That the order to go to school was an order which appeared to him not to be warranted by any law. The men were unwise in not availing themselves of such opportunities for improvement, but he knew of no law that could force them to attend." Thus, it should appear, that one man saying to another, "I will not obey the order to go to school, and I advise you not to obey it," was no offence. The order was, in the opinion of the judge, illegal, therefore the man had a right to give such advice: hence it followed, that soldiers were justified in encouraging one another not to obey their officers. Orders had been some time ago issued by the duke of York, directing the officers to send their men to school. In consequence of this, if an officer failed to give orders to that effect, he might be brought to a court-martial; and if he forced them to attend, he might, in consequence, be brought to trial. A sort of mutiny was thus encouraged, and the whole discipline of the army broken in upon.

Lord *Palmerston* observed, that the subject was entitled to serious consideration: but to attend the schools had not been considered as any part of military duty. Schools had certainly been established, and a provision made for maintaining them in the Army Estimates. This was done, that those wishing to avail themselves of such an advantage might do so, but still to attend or not to attend had been left wholly optional to the parties. In almost every instance, where an individual was qualified to hold the situation of a non-commissioned officer, he would be happy to avail himself of the advantage held out to him by these schools, and therefore it was as well to leave it optional for him to attend.

Digitized by Google

Mr. *Frankland* was of opinion, that however advantageous it might be to the men to attend, they ought not to be forced to go to school.

Mr. *Whitbread*, before the agitation of the question that day, had never heard the legality of an officer ordering his men to attend, doubted by any lawyer or officer with whom he had conversed. The noble lord gave it up in a legal point of view altogether, but he believed he would not find an officer who was not of opinion that he ought to have power to punish disobedience to such an order, as well as disobedience to any other. Had he known that it was to be left optional to the soldier to attend the schools established, he should have paused before he consented to the vote proposed for their support.

Mr. *Manners Sutton* admitted that if it was ordered at the Horse Guards that the men should be sent to school, that order ought to be obeyed as much as any other, and disobedience punished accordingly. It was however unnecessary to introduce a clause into the Mutiny Bill on the subject, as when such an order was issued, disobedience could be punished under the act as it at present stood, without adding to it the clause proposed.

Mr. *Whitbread* said, the order from the Horse Guards directed the establishing of schools; and an officer was placed in a disagreeable situation, if, when he directed the men to attend such schools they might refuse to do so.

Colonel *Dillon* remarked, that men did not enlist to go to school, and thought it would injure the recruiting service if an idea went abroad, that they were to be forced to attend.

The *Chancellor of the Exchequer* stated it not to have been the intention of the duke of York to make the attendance of the men compulsory, though much advantage was expected from the establishment of schools in the army.

General *Tarleton* thought the subject entitled to serious consideration.

Mr. *Whitbread* said, the action commenced against him was not for confining a man who had disobeyed his order to go to school, but it was for putting under imprisonment one who had incited others to disobey his orders.

Mr. *Brougham* wished to know if it was the intention to introduce any clause to do away military flogging?

Lord *Palmerston* said it was not, but that the regulation of last session, leaving the option of imprisonment to courts martial, would be rendered more general.

Mr. *Brougham* said, that as it was not probable he should be present to take any part in the discussion which was soon to take place upon the subject of military punishments, he begged leave to take that opportunity of entering his solemn protest against the practice of punishment by flogging. As a punishment, it was absurd and inconsistent with every end of punishment—it was equally incompetent to reform the culprit, or to deter others. The greater part of the leading military authorities of the country had all been unanimous in condemning the practice. Sir Robert Wilson, general Stuart, general Money, and a variety of others, the most experienced and distinguished officers in the service, had employed all their talents and influence *to root* out the practice from the army. It had its principle in torture, and therefore must always be most objectionable, for two reasons. First, that it could not fail to turn the feelings of the people witnessing the horrid spectacle, in favour of the sufferer, however criminal; and next, that it had a direct and inevitable tendency to brutalize the people habituated to the practice of it. In stating this, he mentioned nothing but what had been already stated. His object, however, at the present was, rather to enter his protest generally against the practice, than to enter then into any argumentative view of the question.—There was another point to which he wished to advert before he sat down. There was, he believed, no clause in the present act, limiting the power of the crown as to the enlistment of foreign troops. No one could read the Convention act without seeing and admiring the jealous precaution of our ancestors at the time of the Revolution, who would not suffer any denizen, not even a naturalized alien, to hold any place of trust or influence under the crown. It would be well to see something like the same spirit more active now than it appeared to be, now when foreigners were not only finding their way into regiments, but into commissions and commands; even the 10th light dragoons, "the Prince's Own," hitherto made up of English subjects, was now filling with foreigners of every description. This once English corps might now be said to have been Germanized. Germans of all descriptions—Germans who were prisoners of war, had been seduced

Digitized by Google

from their allegiance to their native country, and prevailed upon to enter into the "Prince's Own." He had authority for stating that foreigners, to the number of fifty and sixty at a time, had been enlisted into this very regiment, the 10th light dragoons. He asked if this was decent at a time when there was known to be prevalent throughout the country so sore a feeling and jealousy upon this topic? He complained also of the sending 149 men from the Hulks into one regiment at Jersey—one of the best disciplined and most morally conducted in the service. It had been said, that for men from the hulks they were well conducted; but was it a favour to any regiment to have even the pick and choose of the hulks—to have attached to them a *corps d'elite* of condemned culprits and felons? The men originally belonging to the regiment were feelingly described by their commander as coming to him with broken hearts to complain of and deplore the miserable and disgraceful association into which they had so undeservedly fallen. The hon. and learned gentleman in concluding, repeated his protest against the flogging system, which he reprobated as most impolitic, sanguinary and barbarous.

Mr. *Manners Sutton* said, he should not then enter into the question of the necessity or impolicy of corporal punishment; but he should distinctly state that it had not entered into his contemplation to introduce a clause into the present Bill for the total abolition of flogging. He thought it impracticable to abolish it altogether. What had been already done by the clause introduced into the Mutiny act last year, had succeeded considerably in making the practice less general—of which he would give to the House a conclusive proof. From January 1811, to December 1811, both inclusive, there had been but eight sentences for flogging by general courts martial, and, what was still more remarkable, of those eight, but one had occurred since March, the time at which the clause passed, and the other seven had taken place in the months preceding March; and of the whole eight but one had been inflicted—and that one had been offered to be commuted for general service, and was refused—the man preferring to undergo the 700 lashes rather than so commute. But he should be glad to know, what gentlemen would substitute in place of flogging? Imprisonment had been spoken of; but how could imprisonment be resorted to on actual service? Within the period he had just stated, where there were but eight sentences here, there had been no less than 40 undergone in Portugal. He wished gentlemen would look at such questions practically, before they amused themselves with launching out into invectives against a mode of punishment which could not, he believed, be totally abolished without endangering the general discipline of the army. He thought that the strong terms of 'barbarous and sanguinary torture,' should not, have been so wantonly applied—they might do much mischief, and could be productive of no good.

Colonel *Duckett* said, that, from seventeen years experience of home service, he could state, that all the colonels of regiments with whom he had had intercourse, had agreed in the indispensible necessity of corporal punishment. He was himself averse to it, but thought that the awe and dread of it were very effectual to preserve military discipline.

Colonel *Dillon* was not for the immediate and absolute abolition of corporal punishment; he had been glad of the clause of last year as tending gradually to rescind it; and thought that it ought to be suffered to drop of itself. He had no doubt but that in three years we should not hear a solitary instance of such punishment, and suggested the idea of forming, in imitation of the French, colonial corps for condemned soldiers.

Mr. *Brougham* said, that he never meant that if flogging was abolished, no punishment at all should be substituted in its place. He never meant to hold out such a bribe to mutiny and disorder: far from it. It was not the degree, but the kind of severity he reprobated. For instance, instead of running the risk of brutalizing a whole regiment, by witnessing the spectacle of a wretch gradually sinking under the tedious torture of a thousand lashes, who had been guilty of mutiny, he would shoot him at once. And as for crimes not worthy of death, could there not be devised a variety of ways of punishing a soldier, even upon actual service? He had been accused of speaking against this odious system, in terms of unwarrantable invective. His language might have been too strong for the delicacy of some gentlemen; but had it been stronger, it must have been too weak to express his abhorrence of this mode of punishment. But the hon. and learned gentleman had la-

Digitized by Google

mented the general animadversions without doors, that had been made upon this system. And what was the answer the hon. and learned gentleman himself gave to his own lamentations? Why, that in the last year this barbarous practice had decreased to eight within the whole year, and but one of those inflicted! Now (said Mr. Brougham), I contend that this is a distinctly deducible consequence from those very animadversions. The press without called the attention of the public to, and fixed it immovably upon, this flagrant system of punishment. The public feeling had, at length, as it always must have, sooner or later, its influence within these walls; and accordingly the first step towards the utter abolition of this odious punishment was made in the introduction of the clause of last year, into the Mutiny Bill. Such, Sir, was the work of a free press; and I cannot but sincerely lament that those who were bold and honest enough to begin this battle in the cause of humanity—that those who fought the good fight, and won an inestimable victory in that great cause—that Mr. Cobbett and Mr. Drakard should now be immured within a prison. Gentlemen smile, no doubt with disdain, at the guilty familiarity of citing before their grave authority individuals comparatively so obscure. I admit them to be so; and all I wish those gentlemen is, that their zeal for truth and their country may never place them where less prudential patriotism has placed their less fortunate fellow subjects. I say, therefore, that the animadversions of an honest press have produced this change in the practice of military flogging, so triumphantly stated by the hon. and learned Judge Advocate; and that the legislature had been obliged, with respect to this question, to act upon the very principles of Mr. Cobbett, who is now in gaol for his unseasonable declaration of them. It is now, I rejoice to find, in the hands of my worthy friend, the member for Westminster (Sir F. Burdett), and backed by his talents and perseverance it would be criminal to despair of its ultimate success.

Mr. *Manners Sutton* repeated that those public animadversions upon military punishment had been, to his knowledge, gross exaggerations, and as for the happy abatement in the practice of flogging, he could not help thinking, notwithstanding the hon. and learned gentleman's vehement declamation, that that change was at least to be as fairly attributed to the judicious and meritorious discretion of the gallant officers who sat on the respective general courts martial, as to the great patriotism or high public spirit of even Mr. Cobbett himself! (Hear, hear!)

Sir *George Warrender* felt extremely hurt that the indiscreet language of the hon. and learned gentleman should go out to the public, as bidding the army look up to Mr. Cobbett for redress instead of their own officers. (Hear, hear!)

Lord *Palmerston* could not understand how the substitution of death for flogging was rendering the military code less sanguinary than it was at present represented to be.

General *Tarleton* strongly censured the idea of bidding the army of the country look up to Mr. Cobbett and receive their instructions from him, as if he could know more of military matters than those who have spent their lives in the service.

The *Chancellor of the Exchequer* observed, that if the hon. and learned gentleman had had any clause to propose, then the discussion which had now taken place would not have been lost; but, as it was, he must express his sorrow that so much time had been spent without any effective progress having been made in the Bill.

The Chairman then proceeded to read the different clauses in the Bill. On the clause which regarded the billeting of soldiers,

Sir *J. Newport* called the attention of the Committee to this subject, as practiced in Ireland and Scotland, where, contrary to the practice in England, soldiers were liable to be billeted in private families. This, he stated, had been found to be a very serious and oppressive burden, even when fairly and equally laid on; but, in the mode in which it was occasionally administered, it had been experienced to be an evil hardly capable of endurance. Large sums, it was well known, were in many instances, paid rather than suffer soldiers to be billeted on private families; and the effect of this had been such, that, in many instances, soldiers had fallen upon devices, to get themselves billeted on persons, who, they knew, would pay any money to procure lodgings for them elsewhere; thus subjecting those persons to grievous and uncalled for burdens. This was peculiarly the case with respect to Quakers, whom he had known to have soldiers billeted upon them three times for once in proportion to their neighbours. This was a collusion, which from what he

Digitized by Google

had heard of it, he believed it was hardly possible to guard against. This he did know, that, in the place which he had the honour to represent, almost every person who had the hardihood to give their suffrages for him (sir J. Newport), were in a peculiar manner made the objects of this abuse.

After some conversation, in which Mr. W. Pole stated, that if any complaints were made on this subject, it would be strictly attended to, the clause was allowed to pass as it stood in the Bill. The other clauses in the Bill were gone through, when the House resumed, and the report was ordered to be received on Monday.

HOUSE OF LORDS.

Monday, March 9.

LICENCE TRADE.] The Earl of *Lauderdale* moved for copies of the forms of Licences granted for the conveyance of cargoes from one foreign port to another, with the condition of touching at a British port, for the three years ending the 5th of January, 1812.

Earl *Bathurst* took the opportunity of stating, that licences granted for vessels sailing from foreign ports, to touch at British ports before sailing to their ports of destination, did not operate to swell the amount of imports and exports, as the cargoes were not entered amongst either.

The Earl of *Lauderdale* said, he did not allude to vessels touching at a British port, but where they were entered in the progress of their voyage under licence from foreign port to foreign port. There was another case, however, of which he had just been informed, and which served to shew the fallacy of the accounts of exports and imports—a vessel sailing from America, under a licence from the emperor of France, bound to Bourdeaux, was captured by a British cruizer, and condemned as prize in the Admiralty Court, and then the cargo was sent under a British licence to the very same port to which it was originally destined.

Earl *Bathurst* said, he would not now enter into the question as to our right to capture a vessel bound to a port under blockade, and to condemn it as prize; but with respect to the alledged fallacy of the accounts of exports and imports, he denied the fact; the amount of the export of British produce and manufactures was distinctly stated in the accounts, and distinguished from foreign produce which had been imported for the purpose of being re-exported. It had been stated on a former occasion, that merchants entered at the Custom-house more than they intended to export, and that this rendered the account of exports fallacious. The fact was, however, that the quantity of goods actually exported was entered on the back of the docket, and it was from these entries that the official account of exports was made up.

The Motion was then agreed to.

DRURY LANE THEATRE BILL.] On the question for the third reading of this Bill,

The Duke of *Norfolk* rose and declared his disapprobation of it in its present shape. There were some clauses which he thought highly necessary in order to render it worthy the concurrence of their lordships, and which he meant to propose. His grace then took a view of the progress of the measure, including the act of last session, from its first rise to the Bill now in its last stage before their lordships. The real fact was, that a principle of exclusive right was claimed and acted upon, in these measures, and while it was acted upon, the people of the metropolis could have only two houses adapted for the species of amusement to which the Bill referred. The very great difference between the British metropolis at the periods in which the patents were granted, and at the present day, formed a material part of the consideration. The population of the metropolis was not then one-third equal to what it had now become, and the facts proved, that under the monopoly, the proprietors or managers could not, with their two theatres, accommodate such an increased population, so as to bear a just proportion to the powers of the human voice or the human eyes; in consequence, they were obliged to have recourse to exhibitions of a most unprecedented and extraordinary kind, such as the introduction of the monsters of Africa, and other distant climes, upon the stage, forming loathsome or disgusting spectacles. These practices were to be attributed to the metropolis.—The noble duke then adverted to the private boxes, the principle of which he disapproved. The people of England, he observed, had a right to a general admission to a public theatre—no part of it should be exclusively appropriated to the rich. He should therefore propose the exclusion of the relevant clause. It was upon this general ground that he objected to such exclusive

Digitized by Google

appropriations: with respect to the rise in prices, the consideration was very different: looking at the comparative value of money, it was what the proprietors had a right to do; but when, from the effects of exclusion, whole rows of boxes were seen empty, the opposition which was made to the practice, was, upon the principle to which he had referred, in his mind, fully justifiable; and in consequence of the opposition that was made, the number of these private boxes were greatly reduced. The noble duke concluded, by moving for the omission of those parts of the clause relative to the appropriation of private boxes to which he had adverted, for the purpose of introducing an enactment modelled agreeably to his idea upon the subject, and providing that the appropriation and allotment of private boxes should remain subject to such laws, rules, and powers as have existed heretofore.

The *Lord Chancellor* observed, it most forcibly struck him, in reference to the noble duke's proposed enactment, that it would be highly necessary to know what were the rules, laws, and powers, to which these things were subject heretofore. As to what the existing law for such things was, he did not know; but when he was a young man and occasionally frequented a theatre, public boxes were in effect rendered private any night the box-keeper thought proper, on application being made to him for the purpose.

The Earl of *Rosslyn* defended the Bill in its present shape. Referring to the question of private boxes, he observed, that the number of private boxes in the old theatre, was, he believed, 34 or 36. The proprietors, with respect to the regulation, possessed in law the same right which every man had in his own property. He referred to the arrangements proposed in that respect; with regard to the boxes of the prince of Wales, the duke of Bedford, proprietor of the land, and of Mrs. Garrick, who was so considered, in honour of that distinguished person who had so greatly advanced the refinement and reputation of the British stage. The regulation which was made with respect to the sales of the private boxes for a number of years, had the general approbation of the proprietors; in fact, it was one imposed by the proprietors on themselves.

The question was then put on the clause, and negatived.

The Duke of *Norfolk* then objected to the power given of leasing these boxes for 21 years, and proposed as an amendment, that they should be only let from year to year, which, to a certain extent, at least, would make them more open to the public in general. This amendment was also negatived.

The Duke of *Norfolk* next proposed to add a clause to the Bill, providing that nothing contained in this or the former Bill, should go to recognize the validity of the patent of Charles the 2nd. The ground upon which he did this was, that the report of the committee had stated this patent as recognized by the former act. He then adverted to the absurd monopolies which had been sometimes granted, and yet declared to be illegal; and stated as an instance, a patent granted to one of his ancestors, the earl of Surrey, that every public house in the city of Westminster, must be licensed by him. If this patent had been valid, the successors of that nobleman must have been among the richest men in the world; for they would have had the power of saying, that no one should keep a public house in Westminster without purchasing a licence from them. Commercial monopolies by such patents were too odious to stand long. Theatrical monopolies, being of less importance, were less attended to; but still they stood on the same principle, and ought to be abolished. At present it was at least a question, whether they were legal; but it was the duty of the House to take care that nothing should be done by a side-wind that should appear to recognize them as valid.

The Earl of *Rosslyn* opposed the clause, on the ground that there was no occasion for it.

Lord *Erskine* also opposed it, observing that there was nothing in the Bill recognizing the legality of the patent.

The Earl of *Lauderdale* agreed perfectly in what had fallen from the noble duke, on the subject of monopolies; and if there were any thing in the Bill that should appear to give the least countenance to the idea that parliament recognized the validity of the patent, he should think that the clause ought to be introduced. He had not examined the Bill sufficiently to enable him to judge whether that was the case or not, and proposed that the farther consideration of the question should be adjourned till to-morrow.

Lord *Redesdale* did not think that the Bill recognized the validity of the patent; but enough had been stated by the noble

Digitized by Google

duke to make it proper that the discussion should be adjourned for a day, that they might examine more particularly into the effect of the Bill in that view.

The *Lord Chancellor* objected to the clause, on the ground that whatever rights the former Bill had given, the persons concerned were now entitled to them; and it would be an act of injustice and bad faith to deprive them of those rights.

The Earl of *Lauderdale* did not see how there could be any injustice in securing the public against these persons, acquiring that which they not only had not claimed, but had expressly disclaimed, namely, a legislative recognition of the validity of their patent. If there was any thing in the former act which might, by the ingenuity of lawyers, be tortured into an argument for the recognition of the patent, the doubt ought to be done away, instead of making one error the ground-work of another.

Earl *Grey* declared himself of the same opinion as the noble duke on the subject of theatrical as well as commercial monopolies; and if there was any reasonable ground of suspicion, that there was any thing in the Bill recognizing the legality of the patent, the adjournment, at least, ought to be agreed to.

Lord *Erskine* still opposed the clause, on the ground, that there was no such recognition in the Bill.

The question was first put on the motion of adjournment, which was negatived; and then on the additional clause, which was also negatived. The Bill was then read a third time and passed.

HOUSE OF COMMONS.

Monday, March 9.

PETITION OF THE TOBAGO PLANTERS.] A Petition of the Planters, Merchants, and others interested in his Majesy's island of Tobago was presented and read; setting forth,

"That the depreciation in the price of Sugar, the staple commodity of the island of Tobago, if it continues, must, in a short time, occasion the total ruin of the Planters and others connected with them; and that the price of Sugar, for the present year, does not (except in the cases of what is remarkably fine), pay the expence of making, and, in some instances, does not pay the duties, freight, and other charges; and that, in the present state of West India credit, many planters will soon want the means of procuring articles of the first necessity for themselves, their servants, and negroes, such as clothing, medicines, and salt provisions, for it cannot be expected that the British merchant will continue to make advances, when he does not receive even the interest of the money already advanced; and that the planters will be deprived of the means of maintaining or affording a liberal education to their children, or of supporting the civil establishment of the colony, which, in time of war, is peculiarly burthensome; and that government receives about 20*l.* sterling as duty upon every hogshead of Sugar, and from 50*l.* to 60*l.* sterling on every puncheon of rum, the ship-owner, insurer, and others, about 10*l.* sterling per hogshead of Sugar, and from 6*l.* to 8*l.* sterling on every puncheon of rum, when the planter, in return for his capital, and his own exertion, does not receive one sixpence after paying the current expences in the island; and that nothing but the hope of relief, and the duty they owe to their creditors, could induce the planters to continue the cultivation of their estates for any other purpose than that of maintaining themselves and negroes, by raising stock and provisions, the consequence of which might be, that their estates would be brought to sale, and, as there could not be purchasers for what had no effective value, the proprietors, and the greatest part of their creditors, would be involved in general ruin; and praying for relief."

Ordered to lie upon the table.

BANKERS' EMBEZZLEMENT BILL.] On the question for the second reading of the Bankers' Embezzlement Bill,

Mr. *Morris* rose with a wish to add a few observations to those which he had already made on the first introduction of the Bill. He felt that the measure was not such as the House ought to adopt. It went to effect, by penal enactments, what every individual, with an ordinary degree of circumspection was able to do for himself, by using proper caution in the choice of his agents and attornies. He believed that the original intention of the framer of the Bill had been to make the offence of embezzling securities a felony, but that he had been deterred from going to that length by the consideration, that in that case the civil claim would merge in the criminal prosecution. But he did not see how the case was much mended by making

Digitized by Google

he offence a misdemeanour. The same objection as to civil redress still applied, in all cases, in equity; for in those courts parties obtained confession of trust, by answers on oath; and, as it was the pride of the English jurisprudence that no man could be compelled in any court to criminate himself, should the Bill pass in its present state, no party could be compelled to give an answer to a Bill for misapplication of trust. In this they would have even the protection of the courts.

Mr. *Wilson* agreed in the principles laid down by his hon. and learned friend, but thought it possible to obviate his objections. He himself intended, should the Bill be suffered to go to a committee, to move for a clause limiting the power of prosecution to six months, or twelve months, after the commitment of the offence. This, he conceived, would put equity suits totally out of the question.

Mr. *H. Smith* maintained, that the Bill would defeat the very object which the framers of it had in view.

Mr. *Drummond* supported the second reading, on the principle, that the magnitude of the evil having been generally acknowledged, the rejection of the Bill, in the present instance, would amount to a confession, that the House could find no remedy to it. The Bill, in its present state, might be imperfect, but it might be improved in a committee. For instance, the inconveniencies apprehended as to Chancery suits, and which he thought greatly exaggerated, might be totally done away. In short, he did not see how the House could refuse going into a committee on a measure, intended to remedy an evil so generally felt.

The Bill was then read a second time, and a motion made, that it be committed to-morrow.

Mr. *Morris* did not wish to divide the House, but hoped that some farther delay would be granted. From consultations he had held with some friends of the learned profession, he was desirous to have as full an attendance as possible on the committee, and hoped that this Bill would not pass as a common enclosure or private Bill.

The commitment of the Bill was then fixed for Friday se'nnight.

FRAME WORK BILL.] The Lords' amendments to this Bill were taken into consideration. On the amendment to the clause, as passed in the Commons, enacting the punishment of fine 'and' imprisonment,

The *Speaker* observed, that the amendment of the Lords was, that the offence should be punished by fine 'or' imprisonment. In fact, they had declared, that in some cases, at the discretion of the judges, there should be no fine; whereas the Commons had decided, that, in every case, there should be a fine. He stated, that the constant practice of the House was the rejection of any amendment from the Lords which interfered with any branch of public revenue.

The amendment was then rejected, and a committee ordered to be appointed, to communicate to the Lords the grounds on which the Commons had rejected their amendment.

Mr. *Wynn* took that opportunity of stating, that he was sorry the Bill *had once* more come before the House. It had already produced bad effects, and the communications he had received from Nottingham magistrates stated, that since the introduction of it, every source of information was completely shut up.

Mr. Secretary *Ryder* said, that the Bill had been introduced as the only measure likely to put an end to these disgraceful disturbances. At the same time he did not know what sources of information the terror of that Bill could have shut up, as the characteristic of that insurrection was, from the beginning, that no information whatever could be procured.

Mr. *Wynn* explained, that he meant private information.

Mr. *J. Smith* confirmed Mr. Wynn's statements, and added, that a material change of sentiment, in respect to that Bill, had taken place in Nottingham since its first introduction.

Mr. Secretary *Ryder* stated again, that no information of any kind, public or private, had ever reached government on the subject of those riots.

Sir *J. Newport* said, that if information was not attainable as the law originally stood, it was folly to expect it when more severe punishments were enacted—it was not in human nature. He was confident that sanguinary punishments, enacted on the spur of the occasion, never answered any good purpose in this, or in any other country.

The *Chancellor of the Exchequer* said, that the gentlemen on the other side were arguing as if the Bill had been intended to procure information which could not be

Digitized by Google

obtained by any other means, whereas it was only intended to deter people from persevering in their lawless pursuits.

The committee on the Lords' amendment was then appointed, and ordered to meet in the Speaker's chamber forthwith.

IRISH MISCELLANEOUS SERVICES.] The House having resolved itself into a Committee of Supply,

Mr. *Wellesley Pole* rose to move the Irish Miscellaneous Services. In proposing the different grants, he should not trouble the House with any observations, except where there was a difference between the present estimate and that of last year; at the same time, he should be ready to give every information in his power to any gentleman that might require it; the first resolution he had to propose was, for a sum of 30,529*l.* 9*s.* 4*d.* for the Board of Works. It had been the practice formerly to vote annually a sum of 25,000*l.* for the Board of Works, although the expence almost uniformly exceeded that sum. The year before last it amounted to 50,000*l.*; in consequence, the attention of the House was last year called to this grant, and he then proposed a larger estimate than had been usual, with the view of bringing the vote of parliament as near as possible to the sum required, promising, at the same time, that government would direct its attention to this subject; and he was now happy to be able to state, that a considerable reduction in the expence had taken place, as would appear by the resolution which he had proposed. He thought it right to mention this circumstance in justice to the Board of Works, whose conduct was deserving of the utmost praise.—Agreed to.

The next sum he had to propose was, the usual 10,500*l.* for publishing Proclamations in the Dublin Gazette, and other papers, for one year. It was well known that the sum expended for this purpose had always greatly exceeded the grant. He had made every exertion in his power to reduce the expence, and he was happy to say, that he had effected a considerable saving.—Agreed to.

The next Resolution was for 23,748*l.* 9*s.* 2*d.* for Printing and Stationary. Mr. Pole said, that this was rather a larger sum than had been granted last year; the reason was, that he was anxious to give as close an estimate in all cases as possible, so as not to render it necessary to come upon the vote of credit for the excess. The sum proposed was large, but under this head of stationary was included messengers, coals and candles, for different offices, &c.

Mr. *Banks* wished to know what part of the grant was really for stationary.

Mr. *Pole* said, that there was a sum of 5,000*l.* for his Majesty's Stationary, out of which most of the public offices were provided, of which regular accounts were kept. There was also a sum of 5,500*l.* to the printer of The Gazette, which account was also regularly kept; but the rest of that branch was composed of minute miscellaneous services.

Sir *J. Newport* thought it would be well to divide the different heads, instead of including all under one denomination. The right hon. gentleman had said, that part of the sum was to be applied to the printing of the Gazettes. Why, then, were they called upon to vote, in another part of the estimates, the sum of 10,500*l.* for that purpose? The right hon. gentleman had carried his estimates to 1,000*l.* above the expected expence; but he would much prefer to see them reduced below their supposed standard, as, if his memory served him right, he had heard in the committee of Finances, that stationary was provided for the Irish government without any competition, and at a price much above that at which any particular individual might get it.

Mr. *Pole* stated, that the sum of 10,500*l.* was for proclamations, advertisements, &c. and the 5,500*l.* for the printing of the Dublin Gazette, the printer having a patent place, and the grant was the same every year. He also wished for separate accounts, but after all the attention he had bestowed on the subject, he found himself unable to effect it, and would be thankful for any hint conducive to the object. The increase in the estimates arose from a wish to cover all possible expences, and they exceeded those of last year only by 1,327*l.* mostly for improvements.

On the Resolution, That the sum of 25,000*l.* be granted for defraying the expence of Criminal Prosecutions,

Mr. *Pole* observed, that this sum was entirely spent in the last year; but that there had been a saving the year before, which went to the consolidated fund, as was always the case when there was a saving.

Mr. *Hutchinson* wished for information on this subject. The amount of the sum voted for this purpose in 1798, which was a year of disturbance and civil war in Ire-

Digitized by Google

land, did not exceed 23,781*l.* and in the year following it was diminished to 14,582*l.* Why, then, should the House be called on to make such an extravagant grant as this, at a time of perfect quietness; he called on the right hon. gentleman to explain this circumstance, and protested against such a sum being annually voted as an usual grant, when it should be regulated by the necessity of the occasion.

Mr. *Pole* said he did not know what the sum granted in 1798 was, but he knew that ever since the Union the sum now proposed was annually granted. If any gentleman wished to know how the money was expended, he had not the slightest objection to produce the accounts. If this grant was not made, it would be necessary to dip into the vote of credit for the expence of these prosecutions. The only difference was, that by proposing an annual grant, the attention of parliament was annually called to the subject; whereas, if it were paid out of the vote of credit, the great probability was that it would escape notice. It did not follow that the sum granted was the sum expended. Last year there had been a saving, which had gone to the consolidated fund; this year the expence was increased, on account of the special commission, and the prosecutions which it had been necessary to institute. He could assure the committee, that so far was government from being lavish in the expenditure of the money granted for this purpose, that he had received complaints from many parts of Ireland, stating that government was niggardly in carrying on prosecutions at the public expence.

Sir *J. Newport* said, that this grant placed on the Journals an anticipation of a state of disturbance in Ireland, which would call for the expenditure of so large a sum; this reason alone was sufficient against it.

Mr. *W. Fitzgerald* defended the grant, and said that gentlemen seemed to confound the sum voted with the sum expended. It appeared that very recently there had been a surplus of the grant over the expenditure, and that surplus had been paid into the consolidated fund. With respect to the smallness of the expence of the year 1798, he begged to observe, that that was a year of great disturbance in Ireland, during a great part of which the courts of justice were closed, and therefore the expence of prosecution was not so great.—Agreed to.

When the Resolution was proposed for granting 21,600*l.* to the Trustees of the Linen and Hempen Manufactures of Ireland, to be by the said Trustees applied in such manner as shall appear to them to be conducive to promote and encourage the said Manufactures,

Sir. *J. Newport* wished to know, before this sum was voted, what had become of a debt due to the board? and thought the grant should be suspended until some information was obtained on the subject.

Mr. *Pole* said, he understood that the board were taking steps to recover the debt alluded to, but whether it had actually been paid or not he did not know. Knowing the high respectability of the noblemen and gentlemen who composed the Linen board, he had taken it for granted that the proper means had been adopted for the recovery of the money; he would, however, make an enquiry upon the subject.—Agreed to.

Mr. *Pole* then moved, that a sum of 8,900*l.* be granted for draining Bogs in Ireland; the sum granted last year for this purpose was 12,000*l.* which, with what had been previously granted, and what was now proposed, made altogether about 29,000*l.* A detailed account of the proceedings of these commissioners was before the House, from which it appeared that a very large portion of the bogs of Ireland had already been surveyed. It was now proposed that they should extend their surveys into Connamara, of the western side of Ireland, for which purpose it was necessary that the commissioners should be continued another year, when they would finish their labours. The Committee, he was sure, must be aware of the very great importance of the object for which this sum was now claimed, and he hoped it would be the last that parliament would be called upon to grant.

Sir *J. Newport* expressed a hope, that, in future, before grants of this kind were made, the House would have an opportunity of determining on their utility, and not be led on, step by step, in considerable disbursements for inconsiderable objects. In his opinion, the survey of all Ireland might have been effected for one third of the sum voted for this purpose. Besides, a very large proportion of these bogs, for the survey of which the public paid, belonged to noblemen and gentlemen, who were very able to have them surveyed, without increasing the public burthens. The idea originally stated, when this plan was ushered in, was, that a sufficient quantity

Digitized by Google

of hemp would be raised to render us independent of any supplies from the Baltic; but, from what he now saw, the scheme appeared likely to promote no one useful object.

Mr. *W. Fitzgerald* regretted that the right hon. gentleman (Mr. Foster) who first proposed the plan, was not in his place to vindicate himself from the charges of the right hon. baronet. It was impossible, from the nature of the undertaking, that the expence should be fully ascertained at the outset. He considered it as a complete geological survey, embracing 17-20ths of all the bogs in Ireland, and far from being so fruitless as described by the right hon. baronet.—Agreed to.

On moving the next Resolution, "That the sum of 41,539*l.* be granted for the Protestant charter schools in Ireland,"

Mr. *Pole* said, there was an augmentation of 2,500*l.* in the grant this year, which arose partly from the expence which had been incurred in the repairs of the schools, and partly from the increase in the price of provisions.

Sir *J. Newport* wished to know, why there should be a still further increase on the increase of 10,000*l.* in the last year?

Mr. *Pole* said, that the Board of Education had made an elaborate report upon the state of these schools, from which it appeared, that in consequence of the increased price of provisions, it had been found necessary to allow one halfpenny per day in addition for the board of each of the children maintained in these schools, amounting to 2,400. These schools, he was sorry to say, had not been kept up in a proper way, but now they were very much improved, and the greatest attention was paid to them. He could undertake to say, that in no one instance was there greater attention paid to the expenditure of public money, than in that of the Protestant charter schools.

Sir *J. Newport* said, that the right hon. gentleman had not explained to his satisfaction the cause of the increase this year, over and above the increase of 10,000*l.* last year; the repairs of the buildings only amounted to 5,000*l.*

Mr. *P. Moore* wished to know whether there was any check on the expenditure of the money granted?

Mr. *Pole* said, that these accounts all went before the Auditors of Public Accounts, by whom they were scrupulously examined, and these auditors had praised in the strongest terms the mode adopted with respect to the conduct of these schools. With regard to the increase which the right hon. baronet said had taken place in the vote of last year, he was not prepared to state how it arose, as he had not proposed the grant. If, however, the Protestant charter schools in Ireland were to be kept up, it appeared to him to be sufficient to lay before the committee as accurate and as close an estimate of the necessary expence as could be prepared. If gentlemen thought that any part of the estimate was objectionable, let them point it out, and he was ready to answer them, and to give the fullest explanation.

Sir *J. Newport* maintained, that he had a right to demand, from any minister, a full explanation, as to the votes of the public money; nor would twenty close estimates solve the question he had put, and to which he had a right to expect an answer, without the imputation of cavil, which now seemed to be the custom to impute to any gentleman who wished for information on the disposal of the annual grants.

Mr. *Pole* said, that the committee would judge whether he had not shewn a disposition to satisfy the right hon. baronet or any other gentleman who desired explanation on any point. He had answered him over and over, and he conceived that, standing as he did, with a close estimate in his hand, he had nothing more to do than to propose the Resolution to the committee.

Mr. *Hume* said, he was anxious to learn from the right hon. gentleman, whether it was in the contemplation of the Irish government to take advantage of the new system of education, by which 180,000 children might be educated at an expence not exceeding that which 2,430 cost now? If this plan were adopted, the whole population of Ireland might be educated in the course of a few years. He begged leave to suggest, that the commissioners might select one or two boys, from each of the Charter-schools, who could be sent to England to learn the new system, and who could be thus qualified to act as teachers in the different schools, which it was his wish to see established.

Mr. *Pole* begged leave shortly to trouble the committee, in consequence of what had fallen from the hon. member. The observations of that hon. gentleman seemed to him to apply, not so much to the subject which was immediately under the consideration of the committee, as to the ge-

Digitized by Google

neral system of education in Ireland, which was at present under the consideration of the Board of Education in that country. The schools for which he had proposed this grant were founded by charter, and it was impossible to apply the system alluded to by the hon. gentleman, to them, scattered as they were over the kingdom. He wished very much that the hon. gentleman had read the Report of the Commissioners of Education upon these charters: he would then have seen how inapplicable this new system was to them.

Mr. *Hume* said, he had merely thrown out the suggestion for the consideration of the committee, and was still of opinion that much benefit might be derived from the adoption of the new plan of education.

Mr. *W. Smith* said, he considered the sum as being very large for the number of children educated; and it appeared to him to be a subject well worthy of consideration, whether the money could not be laid out in a more advantageous manner.

Mr. *Pole* said, he really was surprised at the observation made by the hon. gentleman. He did not expect to find that at this day it would have been made a matter of discussion, whether the Protestant charter schools in Ireland were beneficial or not: he had never before heard a doubt expressed upon the subject. He had the pleasure of seeing in his place one of the most respectable members of the Board of Education (Mr. Grattan), and he would appeal to him for an opinion respecting these schools, and the manner in which they were conducted. He could not avoid again expressing a wish that gentlemen had read the reports of the Board of Education respecting these schools, of which there were ten or eleven before the House.

Mr. *Grattan* said, that having been referred to by the right hon. gentleman, he rose merely to observe, that the commissioners of education in Ireland had made an extremely good report; but it was not within the purview of their commission to suggest or follow up any new plan for conducting the charter schools in a way differing from their original institution. He must say, however, that since the report of the commissioners of inquiry in 1788, these schools were very much improved, both as to the health and cleanliness of the children; and that it was much better to make ample provision for their maintenance, than to defeat their object by a parsimonious one. The price of provisions had been greatly on the increase, the buildings also of the charity had been greatly improved, and these circumstances sufficiently justified the increased vote, both of the preceding and of the present year.—Agreed to.

Mr. *Pole* then moved, that the sum of 600*l.* be granted for the Commissioners of Charitable Donations.

Sir *J. Newport* did not rise to object to this grant, but could not avoid saying a few words upon some of the proceedings of these commissioners. They had thought it proper to interfere with bequests of Catholics, and had prevented them from being carried into execution; an instance of which had occurred in the city he had the honour to represent. A Roman Catholic lady had bequeathed a considerable sum for charitable purposes, but the commissioners of charitable donations had thought proper to interfere, and to prevent the will from being carried into execution; the consequence of which was, that several poor widows, who under this will were to be furnished with an asylum, were now actually begging their bread. The board of charitable donations was composed of the archbishops, bishops, judges, and some others, and he did not by any means wish to question their respectability, but he thought it unfortunate that they should thus interfere with the bequests of the Roman Catholics.

Mr. *Pole* begged to trouble the House for a few moments, in consequence of what had fallen from the right hon. baronet. The right hon. baronet had stated to the committee the manner in which the board of charitable donations was formed, and when it was known that it was composed of the archbishops, bishops, and judges of Ireland, the committee, he was sure, would not suspect that such a board could act in the improper manner stated by the right hon. baronet. This was not the first time that the board of charitable donations had been arraigned. He had heard charges of a similar kind preferred before, in consequence of which he had sent for the secretary of that board, to ask for an account of their proceedings. It turned out, that during the twelve years that this board had been established, it had instituted only fifteen prosecutions, all under the opinion of the attorney general for the time being; of these fifteen prosecutions, only two had been brought against persons of the Roman Catholic religion. In one of these two cases, the

Digitized by Google

commissioners found that a sum which had been left by a Roman Catholic to endow an hospital had not been applied, and they interfered, to compel the performance of the will. The consequence was, that the bequest was carried into effect, and an hospital, in the town of New Ross, for Roman Catholics only, was erected by the means of these commissioners. The other case was the one alluded to by the right hon. baronet; it was the case of Mrs. Power, of Waterford, who had left a large sum for charitable uses; but this money having been left to two Roman Catholic bishops and their successors for ever, Mr. Plunket, the attorney general, entertained a doubt whether these Roman Catholic bishops could be considered as a corporation, and also doubting the legality of some of the other bequests, he advised the commissioners to institute proceedings in the court of Chancery. Before those proceedings were brought to a close, the heir at law came over and commenced proceedings to set aside the will altogether, on the ground that it was made under undue influence. This was the real cause of the unfortunate widows mentioned by the right hon. baronet being deprived of their asylum; it was the act of the heir at law, and not of the commissioners. It appeared therefore that the right hon. baronet had been wholly misinformed upon this subject, for he was sure he would not intentionally misrepresent the facts. The sum now asked for was only 600*l.* which was to pay the secretary of this board, and to provide stationary; for the members acted gratuitously. He wished to mention, before he sat down, that by the exertion of this board, two of the principal charities of Dublin, which were open alike to Catholics and to Protestants, had received, and were now enjoying very considerable sums of money.

Sir *J. Newport* said, he did not mean to speak disrespectfully of the board, but he believed that the names of the bishops and judges were inserted *honoris causâ*, and he ventured to say, that they scarcely ever attended. The fact was, he believed, that the board was principally under the direction of Dr. Duigenan, and therefore could not be supposed to be very favourable to the Roman Catholics.

Mr. *Pole* said, that the best answer that could be given to the observation of the right hon. baronet respecting the disposition of the board towards Catholics was, that in the course of twelve years, only one Catholic bequest had been interfered with, and that was by the advice of Mr. Attorney-general Plunket. He begged to repeat, that it was owing to the interference of the heir at law, and not of the board, that the poor widows had been deprived of their asylum, for during the proceedings in Chancery, the board had allowed the building of the asylum to go on, and had permitted 400*l.* to be paid to the Roman Catholic bishops for a private charity mentioned in the will. There was another piece of information which he could give the right hon. baronet, and which he was sure he would receive with great pleasure, which was, that the board never sat without a judge and a bishop being present; therefore, it could not be wholly under the influence of Dr. Duigenan; nor while any respect remained attached to the sacred character of a bishop, or the exalted station of a judge, could it be believed that any board, at which a bishop and a judge were constantly present, would act in the manner stated by the right hon. baronet.—The Resolution was agreed to.

The next Resolution was 2,423*l.* for the Association for Discountenancing Vice, a larger sum than was voted last year. On this,

Sir *J. Newport* paid a tribute of applause to the manner in which this Association was conducted: its attention was directed to the distribution of prayer-books and bibles, to enlighten the lower orders, and not to the searching after, and punishment of, petty insignificant crimes.

Mr. *Pole* next proposed the grant of 8,973*l.* for the support of the Catholic College, at Maynooth.

Sir *J. Newport* observed, that though this grant had been so often brought under the consideration of parliament, he felt himself bound again to bring it under their attention. He would contend, that it was more than ever incumbent on the House to make some addition to the grant now proposed. His reasons were, that the population of Ireland, of which the Catholics formed so large a part, was annually increasing; and, therefore, the demand for religious instruction must increase in proportion. Considering the influence which the Catholic clergy deservedly possessed, it was desirable at all times, that their education should be conducted at home, rather than abroad; but there was no other provision for that education, except what was

Digitized by Google

furnished by this college, at Maynooth; and he would put it to the committee, whether it was calculated on its present scale to supply the religious instruction of the Catholics in Ireland. The present grant was sufficient for the education of only 200 students, whose course of instruction required five years each on an average. The college, therefore, was calculated to furnish only about 40 persons annually for the service of religion. Now, the Catholic clergy in Ireland were about 2,000 in number; and, from the calculations of Dr. Price, on the subject of the Benefit Society of the Clergy of the Church of Scotland, it might be fairly estimated, that a yearly supply of fifty-nine persons was requisite for keeping up the numbers of the Catholic priesthood in Ireland, instead of the forty which this college could send out. The question was not, whether the Catholics should become Protestants; for any abridgment of the numbers of their clergy never would have that effect; but the question was, whether the Catholics should remain unrestricted in religion at all or not, and, besides, become irritated against that legislature which refused them the means of religious consolation. This was the plain state of the case; and he could see no reason why the grant should not now revert to the 13,000*l.* a year, which was voted some years ago: an increase rendered still more expedient by the enhanced price of provisions, which had that night been stated as the reason for increasing another grant. He would only add, that there was no priesthood in Europe which paid more exemplary attention both to the temporal and spiritual interests of their flocks than the Catholic clergy of Ireland: they necessarily, and he believed most deservedly, possessed great influence over their people, and therefore it was for the general good of society, that this body of men should be well educated and instructed. With these impressions, he should move, that instead of 9,000*l.* the sum of 13,000*l.* be inserted.

Mr. Secretary *Ryder* said, that he was prepared to resist this enlargement of the original grant; and if this had been the first time of proposing the grant itself, he did not hesitate to say that he would vote against it. He did not wish to debar the professors of any religion of its most enlarged and liberal toleration, but he was not for giving a hostile religion the power of making proselytes, and this he conceived had been the effect of the establishment of Maynooth College. He would not, under existing circumstances, go the length of voting that the original grant should be taken away; but he most solemnly and seriously assured the House, that acting on the principles which he professed, if the present had been a call on the House for money for the purpose of endowing a Roman Catholic college, he would not give a single pound towards it.

Colonel *Dillon* declared, that he never felt more astonishment nor indignation than he did at hearing what had just fallen from the right hon. gentleman. The right hon. gentleman argued against the principle of educating the Irish Catholic clergy, when he must have recollected that Maynooth College was founded during the most violent period of Irish history, and when Europe began to be in hostility against these countries. The Irish Catholic clergy must have been educated at home or no where. The right hon. gentleman did not appear to consider in what an ungracious situation he was placing the House. At this particular moment, such a paltry sum as 8,000*l.* was grudged to the mass of the population of Ireland, while the House was prodigal of the public money in every other respect, even in the support of sinecure pensions and places. One good, however, must result from this conduct of the right hon. gentleman, and that was, that Ireland would be able to judge of the spirit and temper of the ministry to which he belonged; that Ireland would be able to see how willing the minister was to add to their burthens, and how unwilling to lessen or alleviate their grievances.

Mr. *Herbert* (of Kerry) supported the enlarged grant. He denied, that any system of proselytism had been promoted by the establishment of Maynooth College. There were six converts from the Catholics to every one from amongst the Protestants.

The *Chancellor of the Exchequer* opposed the Amendment, not because he considered the enlargement of any consequence in an economical point of view, but because he was against the principle of the grant altogether. At the same time, from the commencement of this establishment, parliament had granted for its support about 160,000*l.* and that was no paltry pittance. According to the right hon. baronet's calculation, the number of priests required every year was 59; and was it not enough for the public to educate 40 out of that

Digitized by Google

number? He supported the grant as it stood, because it was one of those which the parliament of Ireland thought wise to preserve at the Union,—because he found it in fact given over to England as part of the Union. If the grant had been fairly open to opposition after the Union, he certainly should have been disposed to resist it; because he thought, on principle, that it was wrong for a state endeavouring to establish a particular system of religion, to provide a public supply for the maintenance, encouragement, and propagation of another. The House now supported charitably, 40 out of the 59 priests said to be necessary for the Irish Catholics; and he contended that so much was not proportionably done in the same way for the education of persons for the Protestant Church establishment. Why did not the wealthy Catholics come forward and educate their clergy without calling on the state? All the refined and deliberate study mentioned by the right hon. baronet was not necessary for Irish priests; they did not want more education, surely, than was possessed by the clergymen in the distant parts of England and Wales. He begged gentlemen to look at home, unless they wished, by an excess of grants, to make Maynooth College equal to Dublin, Cambridge, or Oxford University.

Mr. *Grattan* was not aware of the strength of the right hon. gentleman's argument, that because we adopted the original grant, therefore we were not obliged ever to enlarge it. If once the principle were adopted, he contended that the limitation of the sum was only to be fixed by the circumstances of the times: to act otherwise, was nominally to adopt, and ultimately to defeat the principle. What was the meaning of establishing a Catholic college, if the exigencies of such a college were not to be supplied as they should vary from time to time? The House should recollect, that the Catholic population paid for the Protestant establishment; and it was extremely just that something should be given to them. The grant was not for the propagation but the practice of the Catholic religion. The question was not, whether we should extend this or that faith by any act in the power of parliament to make. Such a system had been tried in Ireland, but it had failed. Acts had been passed which were mischievous in their operation, certainly disgraceful, and entirely useless for the purposes for which they were intended. Every effort to force conscience would have a contrary effect, because then it became no longer a matter of religion but of spirit to persist in that faith against which such force was directed. Catholics were Christians as well as Protestants, and every attempt to destroy Catholicity was an attempt against Christianity. The question was, in fact, between Christianity and Deism; between foreign and domestic education. We must choose to educate the Irish as Catholics at home, or give them up to Deism, or to foreign education. To act otherwise was forcing the Catholic to be an infidel or a disaffected man. When the House had once adopted the principle, he thought it was bound honestly to follow up that principle, and to meet the exigencies of the establishment whose existence it had sanctioned. As the people increased, so increased the demand for religious instruction, and so ought the grant to be increased, from which that instruction flowed. If the grant was not to be increased, then the principle of the institution was only poorly and inadequately met; half the people only could be instructed. The right hon. gentleman had asked, was there any instance of a state having supported a hostile religion? Yes, he would tell him, Ireland. Ireland did now actually support the religion of another country; for, when the right hon. gentleman said "state," he must have meant by it, not the government, but the nation; and the Catholic people did contribute by taxes to the support of the Protestant establishment. Again, the right hon. gentleman had said, that there was no proportion between the means given for the education of Catholic priests and Protestant pastors. Would any man in his senses have used such an argument? He would ask the right hon. gentleman, was the Catholic rich in proportion to the Protestant church in Ireland? Was the Dublin university nothing? Were tythes nothing? Were bishoprics nothing? Was the half million by which the Protestant church was supported nothing? Would the right hon. gentleman then consider the small, though respectable number of persons for whose use these endowments were intended? And would he then compare them to the overflowing numbers for whose religious instruction 8,000*l.* was thought too much? In fact, there was not in the world a richer than the Protestant, nor a poorer than the Catholic church of Ireland. Christianity was the title of the Irish to education. The grant was not to

Digitized by Google

gratify a sect, but to cherish a branch of the Christian religion. To deny the necessary grant, was an attempt to starve the people out of their faith, which could not be successful. To deprive the people of Ireland of education, was a struggle for a new victory over them. It was not only destroying their temporal rights, but their spiritual faculties; it was not only persecuting them in this world, but an endeavour to damn them in the next.

Mr. *Whitbread* said, that he ought to apologise for rising on this occasion, because, in fact, he had no new arguments to adduce in favour of the enlargement of this grant. There was a novelty, however, that night, which he thought it necessary to notice. The right hon. gentleman did certainly, on former occasions, oppose this grant; and when he became the minister of the King, he withdrew the additional sum given by parliament to make it more adequate to its purposes. But the novelty of that night was, that the right hon. gentleman opposed the enlarged grant, not as the minister of the King, but of the Prince Regent; not as in old ordinary times, but at this new æra. According to the principles avowed by the right hon. gentleman, it would have been more manly and fair to have undone the grant altogether, than to starve it as he was now doing. The right hon. Secretary for the Home Department had thrown out his loose assertion with regard to the instances of proselytism, merely, he imagined, for alarm. He defied him to mention where the proselytes were made, and how many they were. It was strange that the gentlemen opposite, who talked so much of the danger of foreign influence over the Catholics of Ireland, should thus oppose the very means by which that foreign influence would most likely be done away. He called upon the right hon. the Chancellor of the Exchequer, to follow up his intolerant principles by cutting up this establishment altogether, or to agree to the amendment of his right hon. friend.

The *Chancellor of the Exchequer* observed, that while he and his colleagues were accused of innovation, the charge preferred against them was founded on the fact of their having resisted innovation. The grant proposed for Maynooth college had been regularly granted from 1801 to 1806, without any alteration being made; but in 1807, when the then administration were doing every thing in their power to encourage the Roman Catholic religion (in which they were right—as they thought it wise to do so), they, in one session of parliament, procured a grant of 12 or 13,000*l.* for the support of Maynooth college. This grant was merely the act of that parliament; it was not embodied in the Appropriation act, and consequently with that parliament, when shortly after it was dissolved, it fell. After the new parliament had met, it was thought that this grant was not warranted by circumstances, and therefore he and his friends had conceived it to be their duty to return to the old one. It was for doing this, for setting aside that which was new, and returning to the old vote, that they were called innovators. It would now be understood what was the definition of the word innovation, according to the notions of the gentlemen opposite, and it would also be understood, that with them, those *who* abolished a novel or new practice to return to one which had been long established, were innovators. The hon. gentleman had done him the justice to bear testimony to the consistency of his opposition to the enlargement of this grant. He had admitted that when he was not in office, he opposed it, and that when he came into office, he had exhibited the strange phenomenon of a minister acting consistently with the principles he had avowed in opposition. This had seemed to surprise him; but, however, the hon. gentleman had said, all, so far, was very well; but the novelty was, he had not only acted thus, when he came into office, but he had continued to do the same. Not only had he continued to do the same while he was the minister of the King, but he still opposed the measure, though he was the minister of the Prince, and this again was a subject of great surprise, as it should seem, as if it were very extraordinary that a member of that House should not, on such an occasion, put on new principles. His opinions, however absurd they might appear on this subject, had remained what they were in 1801, and the memory of the hon. gentleman was not accurate if he thought that the argument he had used that night was new. He had not supposed that there were no deaths at Maynooth, but when it was known that all there were professedly educated for the priesthood, he thought some latitude might be allowed to what he had advanced. When he said that if the grant were enlarged there was no knowing to what it might extend, he had not supposed that they might be called

Digitized by Google

upon for millions upon millions, but he thought it was not definable how far it might extend, if a line were not drawn where they now were.

Sir *J. Newport* insisted that, during the first session of the new parliament, under the present administration, the grant was enlarged, though nominally, to discharge the expences of some new erections. The right hon. gentleman had stated, that the government of which he (sir J. N.) was a humble member, had done all that lay in their power to promote the Roman Catholic religion. The assertion was unfounded; but it was true that every thing was done necessary to protect the injured rights of the Catholics, and, by protecting them to maintain the general interests of the united empire. In such an attempt, the right hon. baronet had borne his share of the duty, and he should never be ashamed of the part he had borne.

Mr. *Whitbread* was willing to give the right hon. the Chancellor of the Exchequer full credit for consistency, but it was a consistency which had been highly injurious, and might eventually prove fatal to the country. The sarcastic and facetious allusions that had been made to the administration of the right hon. baronet, and which might well have been spared, could in no respect apply to himself, since he had held, and had been candidate for no place. The applause, however, excited by the right hon. the Chancellor of the Exchequer among his friends by his retort, appeared a little untimely, and somewhat injudicious, since the ink of a letter was yet scarcely dry, written by ministers, though signed by the Prince Regent, inviting noble lords, by the sacrifice of all consistency, to unite themselves to their government. It was calling upon persons proud of the path of honour they had pursued, to forsake the road where their companions were not less numerous than respectable, to join in the track so much trodden by the friends of the right hon. gentleman, that the way was become filthy, and almost impassable to those who were unwilling to cover themselves with the mire. The fearful novelty of which he had spoken, threatening ruin to Ireland, was not so much that the right hon. gentleman continued to hold the same language, but that he was permitted to hold the same place under the Regent that he occupied under the King, professing similar sentiments to those he before entertained.

The *Chancellor of the Exchequer* did not wish to keep up the conversation, but could not avoid observing, that the previous administration having before, most prudently and wisely, forgone the question, he had thought, that upon the present occasion the noble lords would feel no greater difficulty than they had before experienced.

Mr. *Wynn* adverted emphatically to the alteration in the circumstances of Ireland, which had taken place with the times. Had no change been produced by four years of continued oppression on every trifling occasion? Had not the appointment of a right hon. gentleman (Dr. Duigenan) to be a privy counsellor, or the selection of the directors of the Bank of Ireland, circumstances in themselves of little importance, shewn the temper and spirit by which ministers had been actuated towards the sister kingdom? Did it follow, that because in 1806 the subject of the concession to the Catholics might be safely postponed, that in the present condition of Ireland it could now be deferred without incurring the most imminent danger?

The Question was then put, and the Vote for 8000*l.* agreed to without a division, the Amendment of sir J. Newport being negatived.

ORDNANCE ESTIMATES.] Mr. *Robert Ward* rose for the purpose of moving the Ordnance Estimates for the present year. As the whole sum amounted to no less than nearly four millions and a half, he trusted he should be excused if he stated shortly the principles on which the board had made up the accounts. They were as follow: 1. To afford every information to the committee consistent with the convenience of the service. 2. To simplify the whole estimate by distinguishing, under the separate heads, all the different parts. 3. To confine the demands upon parliament to the expences merely of the current year, as would be seen by the Engineers' Estimate, in which a diminution of 73,000*l.* was apparent. 4. To make the payments so to square with the estimate, as to reduce as much as possible the head "unprovided," which had been lessened to the extent of 232,000*l.* 5. To arrange all the items under their respective heads. 6. To bring before the House all the actual payments necessary for this department, although they might have been delayed on account

Digitized by Google

of the ordinary service of the British empire. The hon. member then proceeded to notice the various divisions. The first was "Masters-general and principal officers," amounting to 42,486*l.* The diminution was 405*l.* arising from the abolition of the sinecure offices of two clerks in the lieutenant-general's department. The succeeding head of "Civil officers," remained the same as during the last year. The sum for "Furniture for Barracks" had been encreased 6,000*l.* but in the subsequent years it would be liable to a greater diminution. An excess of 51,000*l.* would be noticed, under the title "Pay of Regiments of Artillery." The larger part of this sum was required for rations of provisions, formerly included in the commissariat department, but now transferred to that of the Ordnance. The remaining 12,000*l.* was for the increased pay to various regiments, entitled to it under Mr. Windham's Bill. The same explanation would account for the excess under the head "Military Corps." The division of military establishments was augmented 4,666*l.* the major part of which had been deducted from the contingencies, in consequence of the inspector-general of hospitals having ordered that the supernumeraries should be placed on the regular establishment. The remainder, being a sum of 800*l.* was occasioned by a new appointment of deputy inspecter of hospitals. The remaining divisions were nearly the same as last year; the largest difference being only 15*l.* to the professors of the academy at Woolwich. He was concerned to state that the excess of the amount of the ordinary estimates was nearly 88,000*l.* but, allowing for a diminution for rations of provisions, it would be found to be only about 20,000*l.*—He would now advert to the Extraordinary Estimates, the excess upon which was 373,460*l.* This increase arose partly from government having deemed it right to make the island of Malta a depot for stores, which were sent there to the value of 130,000*l.* In Jersey, 45,000*l.* had been expended in erecting permanent works previously directed by parliament to be built, and the completion of which would require 30,000*l.* Under the head of Cinque Ports, the sum of 12,510*l.* was inserted for Dover only, which was proposed to be voted to make good the contracts of government for materials for erecting works which would have cost about 24,000*l.* but which the inspector general had thought not at present necessary. At Chatham 2,000*l.* had been laid out in labour, and 13,000*l.* on works which it was requisite should this year be finished, and for which 7,600*l.* more would be requisite. Woolwich had always formed a considerable item:—31,000*l.* was charged for gun carriages, stores, and for building and fitting up a saw mill, under gen. Cuppings, the expence of which was about 4,000*l.* and the annual profit 4,284*l.* Under the title of "Defences of the Country," several weighty sums were included; the charge amounted to 87,000*l.* and the towers and batteries built on the coast, had cost 57,324*l.* being only a continuation of a principle long ago adopted by the House, and much less than the original estimate. On enquiry, he found that the sum of 30,000*l.* would be amply sufficient to complete them on all points where they were necessary.—For foreign service, the estimate was 360,000*l.*; of this, 170,000*l.* was for the army in Sicily, and 190,000*l.* for the army in Portugal. There were 360,000*l.* for the brass and iron ordnance. In the provision of ammunition for regiments, there was a diminution of 160,000*l.* and in the unprovided estimates a diminution of 213,000*l.* In the estimates for Ireland there was a small excess above the estimates of last year, of about 1,800*l.* In the civil and military superannuations, there was an excess, above the preceding year, of 18,000*l.* There was, therefore, in the whole of the estimates, a nominal excess of 268,000*l.* but this was merely nominal, for there had been, in reality, a real saving since last year. In the article of salt-petre alone, there was a saving of 100,000*l.* in the estimate, as it now stood; for, during the last three years, the sum of 600,000*l.* had been voted for that article, being at the rate of 200,000*l.* per annum. Not that so large a supply was needful, but because it was thought requisite to have it as a store. The present Board of Ordnance, however, did not consider that store as necessary, and therefore take only our annual grant of 100,000*l.*—In concluding, the hon. gentleman adverted to the Reports of the Commission of Military Inquiry, many of the suggestions contained in which, it was the intention of the Board of Ordnance to adopt, for they seemed to be framed upon the best principles, and with the greatest justice. Among others, what they reported with respect to contracts met with their concurrence, and it was their determination to raise every

Digitized by Google

supply by open competition. No military paymaster, also, was to ask for a sum, however minute, without stating the exact balance in his hands.—The question was then put, That 3,873,000*l.* be granted for the land service, when

General *Tarleton* spoke at length on the impolicy of ministers in not fixing a large depot in the centre of the country (as he had advised five years ago), capable of containing equipments of every kind for 200,000 men. In the Scheldt and the Texel, Buonaparte had thirty sail of the line and men to man them, and if he should be able, by any means, to land 10, 15, or 20,000 men in England, we had no means of expelling them from the country, though the expence of our army would this year cost us near 59,000,000*l.* If ministers did not seriously turn their thoughts to this subject, they must turn their backs upon the safety and security of the kingdom.

Mr. *Ward* said, that the depot at Weedon Beck did contain equipments of every kind for 200,000 men, which he hoped would sufficiently console the gallant general.

General *Tarleton* said, that Weedon Beck might contain pistols perhaps for so many men; but there ought to be at least 100 pieces of cannon also; and besides, Weedon Beck was too near the metropolis. He complained that all the horse artillery were on the coast.

Mr. *Ward* said, that to console farther the hon. general, he would assure him, there were 140 pieces of cannon at Weedon Beck, that there was also a troop of horse artillery.

Mr. *Fremantle* said there was an extraordinary increase in the present year in the expenditure of our West India Islands, without any apparent danger to account for it. He hoped to have a satisfactory explanation for the addition of 150,000*l.* to the estimate upon that head. As to Malta, the increase might be necessary, considering our relations with that part of the world; still, however, he could not help noticing the great excess of 130,000*l.* for stores conveyed to that island. As to Jersey, he was aware that a considerable threat was held out, or reported to be held out towards that island. He regretted to hear that 39,000*l.* more must be expended, before the fortification of the eastern coast could be completed, especially as the erection of towers and batteries was a system very much disputed. The excess under the head of foreign service was most alarming, being upwards of 400,000*l.* Part had been stated to be employed in secret service, but though he allowed there was a propriety in concealing such purposes, he was surprised that they were not told whether the stores sent out with such an object had arrived or not. With respect to the miscellaneous estimates, he should only refer to one head—that of forage for the draught horses, and supply for the artillery drivers, which was upwards of 5000*l.* more than in the last year. The expence of that corps amounted to nearly four times the expence of a corps of cavalry. On the whole, there was an excess in the extraordinaries of the year amounting to upwards of 374,000*l.*

Mr. *Ward* thought it rather extraordinary, that after allowing the propriety of withholding information respecting secret service, his hon. friend should complain, that no mention was made of the destination of the stores, and whether they had arrived. The stores, he could state, were all gone, with the exception of about 50,000*l.* worth, which had not yet left the country, but would be applied to the same purpose with the rest. As to the expence arising from the extraordinary accumulation of stores abroad, his hon. friend would find that it principally occurred in Nova Scotia, Quebec, Bermudas, and other parts, the most exposed to America. In Newfoundland, the fortification of Signal Hill was already agreed to, which accounted for the increase in that part; and in Barbadoes it had been long in contemplation to erect a military and naval depot for the convenience of expeditions sent out from this country. The eastern district, it was true, would take more money before it was finished, but he was surprised to hear it brought as a charge, that, contrary to the former custom so much blamed in that House, they had brought forward an estimate of the whole expence instead of misleading the public. The artillery corps consisted of nearly 6000 men and 6000 horses; it would account for the expence, which was represented as so extraordinary, to reflect, that it consisted of thirty-three brigades. As a great part of the objections went to arraign the policy of the country, and as in the present instance the government acted but ministerially, he should leave the answers to other opportunities, this not being the occasion for general discussions of that kind.

Digitized by Google

The Resolutions were then agreed to. Report ordered to be received to-morrow.

ROMAN CATHOLICS OF IRELAND.] Mr. *Fremantle* in the absence of his right hon. friend (Mr. Grattan), proposed to postpone the motion relative to the Catholics of Ireland to the 14th of April next.

The *Chancellor of the Exchequer* then rose and said, that upon a question of so great importance to the empire at large, he had already thought it his duty to give notice of his intention to move for a Call of the House, in order that there might be as large an assembly as possible of the members, to discuss and decide on that subject. He was aware that it had been stated, that this motion would meet with the general, if not the unanimous support of the country; but he remained of the same opinion which he had before entertained and expressed, that those who indulged in such sentiments were deceived. The more and the deeper he could dive into the opinions and feelings of the majority of the people of this country, the more he was convinced that the measure proposed was one which would, in all its stages, meet with their disapprobation. He had no objection to accede to the proposed postponement; but if the discussion were fixed for the 14th, he should content himself with giving notice, that he should move the Call of the House on Monday, the 13th of April.

Mr. *Whitbread* said, that he was as anxious as any member, that on the approaching discussion there should be as full a House as possible. So far the proposal for a Call had his perfect assent. He was not at all surprised at the conduct of the right hon. gentleman in the notice he had given; for if any thing could mislead the people of England on this subject, they would be misled by his measures. From the solemnity with which the right hon. gentleman had given his notice, and the observations with which he had accompanied it, it appeared clear that the whole influence of the executive government of the country was to be employed, for the purpose of opposing the claims of the Roman Catholic petitioners of Ireland. From what had passed that night, he could also understand, that in the applications made under the advice of that right hon. gentleman, to those who were on fundamental and vital principles opposed to his system of government, that right hon. gentleman supposed that those persons to whom that application was made might have acceded to it, though he (Mr. W.) was well convinced, that they would rather do any thing,—that they would sooner die, than sacrifice their duty and their principles, to join and support that right hon. gentleman's system of administration.

The Call was then fixed for the 13th of April.

HOUSE OF COMMONS.

Tuesday, March 10.

OFFICES IN REVERSION BILL.] Mr. *Bankes* rose to move for leave to bring in a Bill to prevent the granting of Offices in Reversion, for a time to be limited. After what had passed in the House on this subject, during the present session, the question could not fail to be in the mind of every member. He should not *detain* them, therefore, with recapitulating the reasons which induced him to make the present motion. The Bill which he intended to bring in, should he have liberty to do so, would be exactly the same with the Bill introduced into the House of Lords during the last year, and which had passed that House.—He accordingly moved for leave to bring in a Bill to prevent, for a time to be limited, the grant of Offices in Reversion.—Leave being given, he immediately brought in the Bill, which was read a first time.

FOREIGNERS IN THE BRITISH ARMY.] Lord *Folkestone* rose, agreeably to the notice he had given, to call the attention of the House to the subject of the number of Foreigners at present in the employment of this country. He should divide these into three heads: first, Foreigners who held commands not in foreign corps: second, Privates serving in British regiments: and thirdly, Foreigners on the staff of the British army. He should not go the length of saying that ministers acted contrary to law, in having so large a number of foreign troops in the pay and service of this country; but this he must say, that these corps had been suffered of late years to increase in a very rapid manner. Formerly they amounted only to 5,000 men; now they amounted to about 30,000 men, and the increase within the last year was about 6,000. He should not say that this was contrary to law, considering that years had been allowed to pass without any complaint having been regularly brought forward on the sub-

Digitized by Google

ject; but this he thought he might with safety say, that it was still a subject well worthy the attention of the House. The acts by which his Majesty was enabled to avail himself of the services of foreign troops, and particularly of foreign officers, were the acts of the 36th, and of the 39th and 40th of the King. If these acts were necessary to authorise his Majesty to receive foreigners into the pay of the country, it was clear that till then he had no such right. A Bill had formerly been introduced to indemnify ministers for bringing 16,000 foreign soldiers into this country; and if circumstances should occur to render it expedient to withdraw those foreign troops now in our service, from the place where they were now, (he confessed, meritoriously engaged,) it might become necessary to bring in another Bill to indemnify ministers for bringing into this country 30,000 foreign soldiers. He was not pleased that it should ever have been thought desirable to introduce into this country 16,000 foreign troops, and it was not, therefore, to be expected that he could be indifferent to the possibility of that number being increased to 30,000. These corps contained cavalry, infantry, and artillery. They had a staff of their own, and were in themselves a complete army. The act of the 36th of the King, did not go to justify the employing of foreign officers, except as officers of foreign corps; and did not admit them to any superior rank above that of officers serving with such corps.—There was another thing which he was sure it did not justify, namely, the appointment of German generals to British regiments. This, surely, could not be rendered necessary on the ground that officers ought to be acquainted with the language and manners of their soldiers. He should mention one instance of this kind, though he did not say it consisted with his own knowledge—he meant one baron Linsingen, who was or had been general of the eastern district. This was not the only instance; there were two or three others, both in this country and in Ireland. Such appointments, he contended, were contrary to the common law and to the act of Settlement. The noble lord, to shew the peculiar jealousy with which the introduction of foreign officers into our service had been regarded, went into a history of the progress of the 60th regiment. By the act of the 29th of George the second, foreign officers, who were Protestants, were permitted to serve in that regiment, for the protection of the states of Maryland and Pensylvania. This, however, it was to be observed, was for the protection of America, and not of our own country. The number of officers so to be employed, too, was limited to fifty; the engineers were limited to twenty in number; and it was expressly provided, that the corps should be commanded by a natural-born subject. By the act of the 39th and 40th of the King, the limitations as to the number of the officers, and the restriction as to religion, were taken off; but still it was declared, that the regiment should serve only in America. The House would be surprised however to be informed, that it appeared from the Army List that an officer belonging to this 60th regiment was on the staff of our army, serving in Sussex, in the very teeth of this regulation, that they should not serve out of America.—The next subject to which he begged to call the attention of the House, was the practice of admitting foreigners into our own native corps. Not above 10 or 12 years ago, a young man, a foreigner, who was recommended as deserving of promotion in our army, was refused, on the express ground, that he was unfit, as being a foreigner. This feeling, however, was now completely done away, and it was no uncommon thing to see gentlemen promoted from the German legion into the 10th hussars. It surely could not be necessary to introduce such officers into our own army, on the ground of their being better acquainted either with their manners or language. He thought however, that there was a great deal too much of these attempts to Germanise our troops. We were not now to have German officers merely, but German soldiers. He was informed that a number of deserters had lately been liberated from prison, and entering into the 10th regiment of hussars, contrary to all our ancient feelings on such a subject. While this was done, however, and while ministers were willing to receive foreigners into that regiment, he understood that a resolution had been come to, not to admit into it any Irishmen. If this was so, he must be allowed to say, that it was highly improper. A proclamation had been issued by the magistrates in the neighbourhood of Nottingham, by which soldiers were authorised, in certain events, to act without calling in the civil power. If the 10th hussars had been quartered in that neighbourhood, however,

Digitized by Google

would not the entrusting such a power to foreigners have been dangerous? It had been held, as he understood, by lord Mansfield, and more recently by the chief justice of the court of Common Pleas, that the character of citizen did not merge in that of soldier. He was afraid, however, if foreigners were to be admitted into our native regiments, that little protection would be found in this relation of citizenship. There had recently been some trials for the crime of desertion from our service and entering into that of the enemy. Great as he esteemed this crime to be, and highly as it was deserving of punishment, he thought it had rather an awkward appearance that we should endeavour ourselves to seduce foreigners to be guilty of a similar offence. There was one other thing to which he begged leave also to advert, and that was the appointment of a foreigner, an alien, to be one of the commissioners for managing his Majesty's private property. No foreigner could hold property in this country, and the noble lord thought it strange that he should be able to do for another what he could not do for himself. He objected both to the creating of this German regiment, and of this German fund, of which parliament was to know nothing. He concluded by moving for a return of all persons serving in the army not being natural born subjects of this kingdom, or whose parents were such, with the exception of those serving in foreign corps.

Colonel *Palmer* passed a strong eulogy upon the merits and services of colonel Quintin.

Sir *John Sebright* observed, that there were regiments marked for the admission of foreigners. But why introduce them into native corps? No doubt the character of colonel Quintin was highly respectable, but the motion had no reference to individual character, and its principle was, in his opinion, extremely salutary. It had been a distinction peculiar to the English army, that desertion was almost unknown in it; and it was therefore most important and desirable that this character should be carefully maintained, and not endangered by lessening those feelings and that national spirit, which the appointment of foreigners to commands was calculated to effect.

Lord *Palmerston* stated, that he was perfectly ready to meet the noble lord who brought forward the motion, as to the law upon the subject. All that had been done with respect to the enlistment and employment of foreigners, was fully justified by the 46th of his present Majesty. If the noble lord would be at the trouble of reading the statute, he would find that the third section authorised every part of the conduct adopted by his Majesty's government. It was there enacted, that it should be lawful to admit into the service such foreigners as should be desirous to enlist into the British army, and to grant commissions and letters of service to foreign officers and engineers. Was it then fair, if such persons should distinguish themselves, to deny them promotion? The cause of baron Linsingen's name appearing so high in the Army List was, that his rank entitled him to a much higher command than he enjoyed, having only the superintendance of a depôt. The 44th, by which the German Legion was *raised*, might be quoted to sanction the practice now complained of. The noble lord had said the citizen was never entirely lost in the soldier, and was the foreign soldier to be called upon as a British citizen? To this he should answer, that a foreigner being merely a civil inhabitant, was as much bound by the laws as a native Englishman. The provision of the Act of Settlement on this head was done away by the late statutes; but supposing this not to be the case, was there no difference in the circumstances of that period and the present, and the views of national advantage which were then and were now applicable? A foreign sovereign was then on the throne, and the people had not been, as they now were, generally familiarized to the use of arms, the whole standing army being then not above 20,000 men. There then existed no war like the present, in which we saw Buonaparte sending Spaniards into the north, Germans into Spain, and Poles to preserve the tranquillity of Italy. Was there, then, any serious ground of apprehension for the liberties of the country, when we knew that the number of foreigners in our service was limited by law to the number of 16,000, and that of those the far larger proportion was employed abroad? There might be danger to some of the connections resident abroad of foreigners in our service, by the publication of their names, but this objection certainly did not apply to the return of their numbers.

Sir *John Newport* read the preamble of the act quoted by the noble lord who spoke last, and shewed that the word

Digitized by Google

'therein' limited the admission of foreigners into our military service, to foreign corps. The noble lord had, therefore, put an unfair construction upon it. He had treated those who appealed to the Act of Settlement as persons who overlooked the great change of modern times. He confessed he was one of those old-fashioned persons who still thought the best way of supporting the public interest in times of difficulty, was by observing the fundamental principles of the constitution. It had been the pride and glory of lord Chatham that he found an army full of foreigners, and dismissed them all, and it was acknowledged that by so doing, he greatly raised the spirit and hopes of the country.

Sir *F. Burdett* expressed some surprise that those principles which he had always been accustomed to regard as established and incontrovertible, should now be represented as altogether obsolete and inapplicable to the circumstances of the present time. He was himself so little versed in the modern lore of the right hon. gentlemen, as still to retain the belief that the true means of upholding the country when surrounded with difficulties and dangers, was to adhere steadily to the fundamental laws. But it seemed that this was a new æra indeed. From all that he knew of the history of the country, he held it to have always been the distinguishing feature and universal characteristic of Englishmen to feel a jealousy of foreigners, and particularly of armed foreigners, being introduced into this service. In Magna Charta it was stipulated by the barons in arms, as a previous condition to the laying them down, that the 2,000 foreigners then in the kingdom should be immediately sent out of it. If we looked to later periods, passing over many important intervening stages, and coming down to that æra of struggle and difficulty, the reign of Charles I, dignified, indeed, by some with the title of Martyr, but who appeared to him to be only a martyr to his own obstinacy, if the House would refer to the famous Remonstrance of 1641,* they would find that one of the grand grievances then complained of was the employment of foreign troops, and this afterwards formed one of the charges against that misguided monarch. If we referred to the period of the Reformation and the brilliant reign of Elizabeth, who had certainly to contend with enemies as numerous and powerful comparatively as those who now threaten our independence, when Spain, assisted by the machinations of the Guises, threatened the liberties of Europe; when Scotland was divided, and Ireland yet more disturbed than at present, that wise queen placed not her dependence on foreigners, but appealed to the constitution and to the people, in whose hearts she reigned, for assistance against her enemies.—It was said, that these foreigners were merely Germans, and he was ready to confess, that he saw more danger in a few mercenaries within these walls than in the employment of thousands out of it. The hon. colonel had eulogized colonel Quintin, but although this might be perfectly well merited, he thought the benefit of his services in teaching a new mode of riding might have been procured without raising him over the heads of native officers.—But while we were thus admitting foreigners, was it not extraordinary that any regulation should subsist against the enlistment of Irishmen; and would it not be a more expedient policy to reconcile that large body of his Majesty's subjects, and call in their aid under the pressure of so many difficulties?—The noble lord who had attempted an answer to the motion, had treated the Act of Settlement as a repealed act, but the preamble read by the right hon. bart. was pretty satisfactory on that head. Much as was talked of the constitution, the right hon. gentlemen on the other side did not seem very able to state what it was. In his opinion, the Act of Settlement was a contract between the crown and the people of these realms, equally binding upon both, and on which the right of allegiance essentially depended. As to the practice of enlisting foreigners at the same time that the government were prosecuting our own seamen for high-treason in serving under the enemy, it appeared to him to be altogether unjustifiable. He could not perceive the analogy between this case and the offences constituting, on other occasions, the crime of high-treason; and he hoped this consideration might serve to prevent the execution of the unfortunate men lately tried and convicted. With respect to the material part of the question, he was inclined to argue very differently, from the consideration of the perilous and distressed state of the country. He would say in such circumstances, 'Adhere to

* See Parliamentary History of England, vol. 2, p. 946.

Digitized by Google

your fundamental laws, remove those grievances which are notorious, and which excite the murmurs and the loud complaints of the people, and strengthen their affections towards you by an unremitting attention to their interests and desires.' Instead of all this, it was now recommended to us to dismiss the Act of Settlement as inconvenient, and to guard against the establishment of a foreign despotism, by the erection of a domestic one among ourselves. He had now only just to notice the objection of the noble lord, grounded on the danger of publication, and would beg leave to ask, if their names were not already in the Army List?

The *Chancellor of the Exchequer* said, the question was not whether the acts of the 44th and 46th of the present reign ought to be repealed, but whether they justified the practice now adopted? Did the facts of the case made out before the House justify the description of the hon. bart. in stating all the fences of the constitution to be broken down? As to what had been said with respect to the impolicy of admitting foreigners while prosecuting our own seamen, suppose the case of our having employed the troops under marquis Romana, who had been forced into the enemy's service, instead of sending them to Spain, would that have been improper? Now, the clause in the Act of Settlement itself, prohibiting the employment of foreigners, was subsequently introduced, for the purpose of guarding against a particular contingency. It was true, as stated by a right hon. baronet, that the preamble was the key of the statute, but he could not think it was to lock up the fair interpretation of any particular clause, uncontrouled by any definition in the preamble. The right hon. gent. then read a clause in the third section, in order to shew that the only distinction between it and the two former was, that the latter justified the present practice, and authorised its continuance.—Some might think it justifiable to allow the enlistment of foreigners into separate regiments, and yet be of opinion that they ought not to be engrafted into British regiments. If the noble lord thought fit, he might attempt to get the third section repealed. All that he contended for was, that as the law stood, government were justifiable in enlisting foreigners into British regiments. But, admitting that foreigners ought not to be admitted into British regiments, still the extent to which they were admitted was of material consequence. If this prevailed only to a small extent there might be the less reason for altering the law.—There was another subject introduced by the noble lord which he was not prepared to expect, as no notice had been given of it, and it had no necessary connection with his motion, and that was the appointment of count Munster to be one of the trustees of his Majesty's private property. He acknowledged himself, if that nomination were a violation of the law, to be alone accountable for it, having distinctly and individually recommended that gentleman to the situation; for being himself in perfect ignorance of the extent of his Majesty's private property, and thinking that part of it might be connected with the Hanoverian dominions, it occurred to him, that hardly a person could be appointed more likely to give information concerning it than the individual in question, from the situation which he had lately held. If the House should think this nomination illegal, it would at least be allowed, that what he had done was very natural. At any rate, it was unconnected with the present discussion. He doubted whether it was possible to return all the foreigners employed in our service, as many of them might be unknown, even to their officers; and it would be necessary to send to Portugal and to the East and West Indies, before a complete return could be made.

General *Tarleton* observed, that a return was sent to the War office every year, containing the name, age, place of birth, and nature of service, of every man in a regiment. With respect to the employment of foreign troops abroad, he thought, in the present state of the world, we could not have too many of them; but with respect to taking them into English regiments, he was in direct opposition to such a measure. Mixing Germans and English together into one regiment, was like mixing baser metals with gold and silver. The highest testimony had been borne to the superiority of English soldiers in former times, by such men as marshal Turenne and marshal Villars; and this superiority we had still maintained. Would Great Britain ever allow herself to be over-run, and her character to be debased, in the manner of Prussia and Austria? He was of opinion, therefore, that government might take as many foreigners as they pleased into pay; but let them still be called mercenaries.

Lord *A. Hamilton* complained of the

Digitized by Google

hardship of inlisting foreign officers into British corps, at a time when there were many British officers willing and anxious to be employed, but who could not get employment.

The *Chancellor of the Exchequer* said, that these foreign officers would cease to hold commissions within a limited time after the termination of the war.

Mr *Bennet* said, that two or three years ago he had seen a good deal of the peninsula, and when in Gibraltar he saw about 600 men in our service there, who had belonged to Dupont's army, among whom a great number were Parisians. They told him so themselves. He would ask a gallant colonel near him, why foreigners were taken into the 10th regiment, in preference to Irishmen? Was such an indignity to be put upon the Irish people, that they were to be considered as unfit to serve their country? This was really something beyond human patience to bear.

The *Chancellor of the Exchequer* knew nothing of the circumstance mentioned by the hon. gentleman.

Colonel *Palmer* said, the reason why they had not enlisted Irishmen was, that the description of Irishmen met with in this country were liable to desert, and it was difficult to get them back again.

Lord *Folkestone* in reply said, he did not wish a return of the names of the foreigners in each corps, but merely of the numbers. It was necessary to have such a return, to know to what extent the practice had been carried, that, if necessary, it might be put a stop to. How could government know whether they had not more than 16,000 foreigners employed, if they did not know the numbers serving in British corps? With respect to the 3d clause of the act, he was aware that he was contending with fearful odds, when he had to argue with the right hon. gentleman about the meaning of an act of parliament, well knowing both the influence and legal knowledge to which he was opposed. Besides, he did not know if the right hon. gentleman had not had himself some hand in the framing of the act, as he believed he was then attorney general. In his opinion, the 3d clause merely gave authority to those foreigners who were to be admitted to serve, to do so without breach of law. The wording ran; "And be it lawful for such subjects to be enlisted," &c. But this clause would never justify the engrafting foreigners into British regiments. If it did, he was sure it was not in the contemplation of parliament at the time of passing the act. The right hon. gentleman in speaking of the Act of Settlement stated, that the period at which it should begin to operate was limited; but he would recollect that it was not limited as to duration. He had thought that it ought to cease when the king was no longer a foreigner; but he seemed to forget that the object of jealousy was the foreign possessions belonging to the King. These foreign corps belonged to these possessions, and were attached to his Majesty. He must say, that he entertained great jealousy of these Germans. Though they might be employed abroad, he should not like to see them employed to defend this country, when he knew how they had defended their own; for if men would not exert themselves to defend their nearest and dearest relations, they would hardly exert themselves to defend strangers. The Hanoverian army was a great body of men, and might have done something to defend their own country. That they were able to do something was evident, from what they contrived to do for themselves, having stipulated that they who surrendered should receive pay till their return home, and contributions were levied for that pay on the people they were hired to defend.

The *Chancellor of the Exchequer* had no objection to furnish the returns for the regiments at home.

Lord *Folkestone* having agreed to withdraw his motion,

The *Chancellor of the Exchequer* moved for a return of the number of foreign officers and soldiers serving in the different regiments of this country, distinguishing the regiments in which they served.—Ordered.

HOUSE OF LORDS.

Wednesday, March 11.

THE PRINCE REGENT'S LETTER TO THE DUKE OF YORK RESPECTING LORDS GREY AND GRENVILLE.] Lord *Boringdon* rose, and stated, that he held a printed paper in his hand, to which he wished to call the attention of the House. It purported to be a Letter from the Prince Regent to his royal brother the Duke of York, and bore the signature of his royal highness the Prince. The object of it was to make certain propositions to two

Digitized by Google

noble lords, members of that House, whom he saw in their places; but as it related to matters of the highest political importance, it formed a subject well worthy the notice and consideration of their lordships. Seeing the noble Secretary of State in the House, he would take the liberty of asking him whether this printed paper was genuine, and really a letter from his royal highness the Prince Regent, as it purported to be: or if the noble secretary should be prevented by any technical difficulty from giving a direct answer to that question, he should be contented with his barely not denying its being genuine and authentic. It would be right to have this point distinctly ascertained and recognized before he founded a motion upon the paper in question.

The Earl of *Liverpool* said, that the noble lord could not expect an answer to such a question, and he should not give any answer.

Lord *Boringdon* said, the noble lord had not denied the genuineness of the letter; an answer, purporting to come from two noble lords to that letter, had also been published, and he wished to know if it was the answer of those noble lords? Understanding that to be the case, he should feel it his duty to call their lordships' attention to the subject on Friday se'nnight. That his royal highness the Prince Regent in writing that letter was actuated by the purest and most patriotic motives he was in duty bound to believe, and in his conscience he was satisfied, that however there might be some unfortunate expressions in the letter, that the object of his Royal Highness was to form an administration on a fair, a liberal, and a broad basis. The melancholy issue was already known, and the darkest and most gloomy prospects now surrounded us. Dangers pressed upon us on every side, whilst the means of averting the ruin which menaced the country were weakened. It was a subject of vital importance to the people, and therefore, however feeble the effort might be, he felt it to be his duty to make an attempt to avert the dangers which threatened us. He again expressed his conscientious conviction, that the object of the Prince Regent was to form an administration on a fair, a broad, and a liberal basis, and he was at the same time convinced that the answer of his noble friends to the letter of his Royal Highness, had been much misunderstood and misrepresented. The purport of his motion was intended to be an humble Address to the Prince Regent, that he would earnestly endeavour to adopt such measures as would tend best to promote the interests of the country, by ensuring security and tranquillity at home, and respect and consideration abroad. It was possible, however, that in the interval he might see reason to alter the form of his motion. He therefore moved that the Lords be summoned for Friday se'nnight.

Lord *Grenville* said, that reserving his sentiments till the discussion of the motion, of which notice had been given by his noble friend, he thought it his duty not to be backward in avowing the answer to the letter alluded to by his noble friend to be his. There were some clerical errors in the publication, but they were of little consequence. The substance was the same. The sentiments contained in that letter were such as naturally arose at the time in his breast—they were those which his duty to his royal highness the Prince Regent dictated—they were those which were dictated by his duty as a subject of the country.

Earl *Grey* thought it unnecessary to add any thing to what had been stated by his noble friend, except to avow his concurrence in the sentiments contained in the answer sent by his noble friend. There were some clerical errors in the publication, but they were not of consequence, and did not materially alter the substance. He thought it right, however, to state, that he did not authorise the publication, and how the letter and the answer found their way into the public prints he knew not. He, however, fully concurred in the sentiments expressed in that answer, conceiving them to be those which it was his duty to concur in declaring.

The Duke of *Norfolk* said, the noble lord had his thanks for bringing this important subject before the House, but he wished, for the sake of convenience, that an earlier day could be fixed upon for the discussion.

Lord *Boringdon* mentioned Thursday the 19th instant, which was agreed to, and the Lords were ordered to be summoned for that day.

HOUSE OF COMMONS.

Wednesday, March 11.

MARRIAGE ACT AMENDMENT BILL.] Mr. *Wilson* rose, and after a few prefatory

Digitized by Google

observations, entered into the origin and nature of the provisions of the law, as it now stood, respecting marriages contracted without the due consent of parents and guardians. He stated, that in consequence of many scandalous abuses prevailing at the period of the existing enactments, the other House of Parliament had directed the Judges to prepare a Bill for the purpose of remedying the evil. It could not now be alleged that the same grounds existed for continuing, as there undoubtedly were originally for making the provision to which his motion would refer. The hon. and learned gentleman then gave a representation of the act, as it affected illegitimate minors and orphans, without guardians legally appointed. He stated it to be his intention not to extend his proposed remedy to Ireland, nor to persons already married. He concluded with moving for leave to bring in a Bill to explain and amend an Act commonly called the Marriage Act, of the 26th Geo. the second.—Leave granted.

MOTION RESPECTING CONVICTS DISCHARGED UPON ENTERING THE ARMY OR NAVY.] Mr. *Abercromby* had not apprehended, when he first gave notice of this motion, that it would meet with any opposition; but as he now understood it would be resisted by the right hon. Secretary of State for the Home Department, he begged leave to state the grounds of his motion. The two circumstances to which he wished to call their attention, were the extended practice of admitting convicts into the military service of the country, and the greatly increased number of free pardons. The House would recollect that an hon. general had lately stated in that House that upwards of 143 persons lately discharged from the hulks had been admitted into one regiment. He was ready to agree, that this was a practice which, in certain cases and to a particular extent, was perfectly justifiable. His complaint was, that there had evidently been an unwise and indefensible excess, and a total negligence in the exercise of the prerogative of the crown in this respect. Was the right hon. gentleman acquainted with all the circumstances of the individual cases in question? had he inquired into the particulars of the offences and characters of the persons pardoned; or had any reference been made to the judges who tried them? He knew from the right hon. gentleman himself, that none of these things had been done. He knew from his own confession, that all had been done on the mere report and representation of Mr. Graham, who though a highly respectable person, it was to be recollected held the office of superintendant of the Hulks, and who visiting the hulks merely about once a quarter, necessarily acted on the information of others. It was, therefore, for the House to consider, whether this description of persons was such, as that their representations formed a proper ground for inducing that House to sanction this unprecedented exercise of the executive authority. The question was not less connected with the administration of our penal law, than with the probable effects of such a system on the discipline and character of the army. The hon. and learned gentleman, after commenting on the inadequacy of the punishment inflicted by the system of confinement in the hulks, concluded by moving, "That there be laid before this House, a return of the number of persons who, since the 1st of January 1810, have been directed to be transported either after having been capitally convicted or by original sentence, and who have been discharged on condition of entering into the army or navy, and also of those who, within the same period have received free pardons; specifying the date of their conviction, the offences of which they were convicted, and the time of their discharge."

Mr. Secretary *Ryder* deprecated the motion, but had no wish to screen himself from any responsibility for having advised the pardons, because, in so doing, he had followed precedent. Pardons had not latterly been granted to the extent as formerly. In one instance, he understood, that upwards of 500 had been allowed to enter into the army and navy. With respect to the present subject, the fact was, that Mr. Graham had represented to him that there were a number of persons whose conduct had been so correct, that they were fit objects for royal consideration. In consequence of this representation, he had thought it his duty to recommend those persons to be pardoned on condition of enlisting for life. It had been found that bad effects arose from sending them for life to serve abroad, and a communication was made to the Commander in Chief; the result was, that it was judged advisable to permit the enlisting under these conditions, but the men were informed that it rested with them whether they

Digitized by Google

should revisit their native country again, and be returned to their families and friends. The House would agree with him in conceiving that there could not be a greater inducement to these persons to behave well during their confinement on board the hulks, than the knowledge that by their good conduct they might stand a chance of being restored to society. There was no principle so dangerous as that which went to exclude the chance of reformation, for if these persons were turned loose upon the world, without the means of earning their bread, and their characters gone, the probability was, that they would return to their evil habits. What was the case here? By permitting them to enter the army and navy, every objection was removed, and they most likely would be drawn from their old habits, and become as it were, new men, and good citizens. The hon. and learned gentleman was therefore wrong in supposing that it was improper to permit these men to enter. He had drawn his observations from the state of the convicts before Mr. Graham held the office of superintendant.—The right hon. Secretary then read a letter from a clergyman, stating the good behaviour of two men who had been liberated in 1810, after four years confinement, describing them as altered men. The general impression as to this mode of punishment was quite different to what the hon. and learned gentleman entertained. He was in the practice of receiving letters from the masters of apprentices, and servants serving on board the hulks, desiring that the rest of the sentences against them might be remitted, on account of the reformation in their conduct, and they would take them again into their service. That was the best proof which could be given of the utility of the punishment; for would it be believed that tradesmen would risk their property, if they were not convinced that their once dishonest servants were now trust-worthy? As to the numbers enlisted, the House, perhaps, were not aware, that they formed three strong, good, and efficient regiments. With respect to their general conduct since 1803, when they were first liberated, many testimonies were furnished. He had made many inquiries, and he found that their general conduct was very good; as soldiers they would not yield to any regiment for efficiency. In the year 1807, Colonel Gordon, then private secretary to the Commander in Chief, was at the head of one of the regiments, and he spoke in high terms of that regiment when in Alderney and Guernsey. In a letter, which the right hon. Secretary read, they were stated to have received the thanks of the inhabitants of these islands for their good conduct, and it was stated, that out of the whole regiment, only two had attempted to desert. He then referred to the Gazette of the 6th of March, 1810, in which general Beckwith speaks in the highest terms of the Royal York Rangers, another of these regiments: and in general orders returns thanks to brigadier-general Wale and major Henderson, the commander, for the gallantry displayed in the conquest of Guadaloupe, and for the discipline which the regiment had evinced on this and former occasions during the last campaign. Any regiment might be proud to have been mentioned with such honour as that by which the York Rangers had been distinguished. He allowed he had been told by a gallant general, that offence had been given by allowing so many men from the hulks to enter into one regiment. He was sorry for it, and he was sure that by no one was it more regretted than by the illustrious personage at the head of the army. It was intended that it should not be known from what quarter these unfortunate persons had proceeded; unluckily, however, it transpired. But he trusted that no regiment could feel disgraced by the association of individuals who had shewn so much contrition for their former errors, and who had so well redeemed the pledge which they had given of future good conduct. As the present motion could tend only to revive unpleasant considerations, with respect to those unfortunate individuals, he for one must give it his most decided negative. If the hon. and learned gentleman could bring forward any particular case of impropriety in the granting of a pardon, he would most readily meet him upon it. He was not aware, however, of the existence of any such. He might have erred, but he had really used all possible diligence to ascertain the merits of the individuals in question, before he offered any advice with respect to them to the crown. It would have been much better for the public service, and for those unfortunate persons, had this discussion not taken place. He had deprecated it when the hon. and learned gentleman gave notice of the motion, and he trusted it would go no further.

Mr. *Wynn* thought, that it would be

Digitized by Google

much better if such persons were placed at first in those particular corps, which had been set apart for them. In that case, if they behaved well, it might be allowed to them, as a great reward for their good conduct, to enter into some regular regiment of the line. This would be a great reward to them, as persons sent into those condemned regiments generally despaired of seeing their connections again. He instanced a case within his own knowledge, where one of those men, from good behaviour, had been allowed to go into another regiment, and was now in the confidential situation of pay-serjeant. He conceived, that it would not be considered nearly so degrading to the regular regiments, to have men come in among them recommended by their good conduct in other corps, as to have them sent directly from the hulks.

Mr. *Sturges Bourne* opposed the motion, and said that there was no branch of the royal prerogative which he should feel so little disposed to question as this.

General *Ferguson* wished to know, whether, in the selection of convicts for the army, morals or age was most attended to? He knew one of those persons, who was above fifty years of age, and had been a commissioned officer, and sentenced to death for forgery. As to the secrecy practised about where those men came from, he himself had seen thirty of them at one time driven into the barrack-yard, when the officer escorting them got a receipt for their bodies. It was not, therefore, very extraordinary that this secret should transpire.

Sir *S. Romilly* could see no objection to the motion. It was of great importance to know in what manner the selection was made from the hulks. Although he did not disapprove of some of the convicts being allowed to serve in the army or navy, yet he wished to know the principle upon which the selection was made. Although there was no prerogative more valuable than that of pardoning, yet there was none which should be exercised with more care, or attended with greater responsibility. He knew cases where pardons had been granted on motives which the prosecutors could not guess at. Men had been sent to Botany Bay at the expence of the country, and had immediately on their landing, and in some instances without setting a foot on shore, been pardoned and sent back in the same ship. When he heard of so large a number as 500 convicts discharged at once, and sent into the army, it would appear more like a certain number of recruits being wanted for the army, than if it was the good conduct of such a number that had recommended them to a more honourable situation.

Mr. *Wilberforce* opposed the motion, as likely to do mischief. He thought that it was right, as much as possible, to throw a veil over the former offences of those whose good conduct had recommended them to be admitted into the army. It must be recollected, also, that many of those offences which were punished by transportation and imprisonment in the hulks, were not offences which implied any great depravity of mind; and when the temptations to which the poorer classes were sometimes exposed, as well as their want of religious education, were fairly considered, it would not be just to suppose a man absolutely irreclaimable, because he had committed some small theft, or other offence, which was visited with that punishment. He thought that it would be better to mix these men with other corps, than to form whole regiments of them.

Mr. Secretary *Ryder*, in explanation, said, that it was 120, and not 500, who had been lately sent to the army from the hulks. He had only stated that formerly 500 had been sent.

General *Tarleton* disapproved of mixing those men in the army. He remembered there was an objection a long time ago, to admitting those men, who were called gaol-birds, into the regular regiments. Since that time, however, the quality of the army had been much improved, by the system of enlisting from the militia, who were the flower of the country.

Mr. *Abercromby* shortly replied. His object would be gained if, after this, men were sent from the hulks only in small numbers at a time, to join any particular corps; and he trusted that his motion, which some gentlemen seemed to think mischievous, would at least be attended with this good effect, that 120 convicts would not again be sent in one batch to a regiment.

The Motion was negatived, without a division.

Foreigners in the British Army.] Colonel *Palmer* stated his anxiety to correct a misrepresentation he was sorry to have seen in the papers, of what he was reported to have stated in answer to the

Digitized by Google

assertion, that an order had been issued to his royal highness the Prince Regent's regiment to exclude the admission of Irishmen. Being aware that there were some grounds for such statement, he did not at the time take upon himself to contradict it fully; but he was now enabled to state, from the highest authority, that no order of the kind had ever been issued. He admitted that the recruiting officers had received instructions from the commanding officer, col. Quintin, to enlist Englishmen in preference to Irish, and if any blame was to be attached to him for this, he begged, as far as his own opinion went of the propriety, to take his share. He had not stated, as reported, that his objection had been on account of the Irish deserting to the enemy; on the contrary, no one was more convinced than himself, in common, he believed, with every other British officer, of the loyalty, courage, and fidelity of the Irish. What he did state was, that the description of Irish they met with in this country were liable to desert, which was a reason for objecting to them; and to prove that his regiment entertained no national prejudice, they objected in the same manner, to various classes of their own countrymen—to all Londoners, and inhabitants of manufacturing towns, and confined their recruits to that class of persons brought up to agricultural pursuits; for they found that Irishmen, and those of their own country, who were not in early life accustomed to the care of horses, made bad grooms—and thought the best infantry were objectionable as cavalry. He therefore trusted these reasons would clear his regiment of all suspicion of the motive which had been attributed to it. He would add, that this system was not confined (as had been stated) to his own regiment and the 15th, but that it was pursued by every English cavalry regiment in the service. He would only add, to prove that he never objected to Irishmen who were well recommended, and still less that he preferred foreigners, that the number of Irish then in the regiment exceeded that of the foreigners: and that the amount of the latter did not exceed thirty, out of a complement of nearly nine hundred. He concluded by observing, that it was an unpleasant subject, and that he should not have taken a part in the debate of last night, had he not felt called upon to do justice to a brother officer, than whom, he believed, there was not a more deserving man in the service, and to whom that credit for its appearance and discipline, which he trusted was not unworthily bestowed on the regiment, was due.

HOUSE OF COMMONS.

Friday, March 13.

STROOD POOR BILL.] On the question that this Bill be read a third time,

Sir *Samuel Romilly* rose to point out some clauses which seemed to him very objectionable. He thought the present prevailing practice, with respect to private Poor Bills, very faulty. Instead of that uniformity of system, both as to maintenance and punishment, which ought to exist through all parts of the country, every new Bill proposed some different project. The system was not national but parochial, and a different administration of criminal law was to be found in the different parishes. In some places the punishment was corporeal—in others, imprisonment—in others very slight, being a mere change of diet. Bills of this sort, being of a private nature, seldom attracted much of the public attention, and it was only by accident that he had become acquainted with those provisions of the present Bill, to which he now objected as destructive of that sameness which ought to characterize the system of the poor laws. He did not exactly know how to prevent the introduction of different regulations into different Bills. Perhaps it might be effected by a standing order of the House, that all Bills introducing new methods of punishment or of management should be submitted to a committee of the whole House. He objected also to the liability to abuse which was inherent in the present clauses. A poor wretch might languish in prison for days and months, and yet could have no remedy by action of false imprisonment. There were now no less than three Bills in their progress, which had contained various methods of punishment, but which had been altered at his suggestion; yet, if he had not chanced to notice them, they would have passed the House unamended. He should now propose his alterations:—One clause empowered magistrates to apprentice youth at the age of 14 or sooner. He objected to the latter words, as giving a discretionary power to send out children at the tenderest age. He was not to be told that such abuse could not arise, as he was himself acquainted with an instance, where 20 children of only 7 years old had been

Digitized by Google

sent apprentices to Scotland. The next clause he objected to was, that which enabled the magistrates to apprentice the children of Strood into Scotland, a provision which would remove them from the protection of a Bill for Apprentices brought in by his hon. friend; and they would thus be as much put out of the guardianship of the law as if they were sent to the West Indies. The next objectionable clause was that, which empowered the trustees to let out the poor by the day or the week, for works of husbandry; subjecting the poor to penalties, if they did not immediately return after the execution of their work. He had been told that this was a beneficial practice: he was not himself acquainted with the arguments which led gentlemen to such conclusions; he thought it a most important innovation of the existing law, and therefore not to be admitted into this Bill.

Mr. *D. Giddy* agreed as to the necessity of an uniform code of poor laws, but thought that trustees should be invested with considerable power. He thought the whole system of the poor laws required alteration, and wished that some gentleman would dedicate his attention to such a work.

Sir *E. Knatchbull* explained the motives of the clause which empowered magistrates to apprentice children into Scotland. He said there was a considerable trade carried on between Strood and that part of the kingdom, which necessarily led to a connection between the two places. If, however, any doubt existed as to the propriety of this clause, he was authorised by the framers of the Bill to withdraw it.

Mr. *Thompson* said he had seen boys of from ten to twelve years of age apprenticed out very usefully, on which account he would suggest to his hon. and learned friend, to substitute ten years in the place of fourteen, to which it would stand limited by his amendment.

Sir *S. Romilly* said, the consequence of the Bill, as it stood at present, was to enable the trustees to place children out at the tenderest age; he knew of one parish that had sent twenty children out in one year at the age of seven, to a house in Scotland. He acceded to the suggestion of his hon. friend.

The House then divided on the question, that the blank should be filled up by the words "ten years." Ayes 37; Noes 40; Majority 3.

PETITION FROM PLYMOUTH RESPECTING THE EAST INDIA COMPANY.] A Petition of the Merchants Traders and Inhabitants of, and carrying on business within, the port of Plymouth, was presented and read; setting forth,

"That the act 23 Geo. 3, c. 52, vesting the entire right of commerce and navigation in the seas and to the territories between the Cape of Good Hope and the Straits of Magellan in the East India Company, will expire on the 1st of March, 1814; and that, by the act 37 Geo. 3, c. 57, permission is given to foreign nations, in amity with Great Britain, to trade to those countries, though denied to other British subjects than the East India Company; and that the confining the East India trade from Great Britain to the port of London alone, must be considered unjust, unwise, and impolitic, inasmuch as it restrains a commerce in which the whole of his Majesty's subjects have a natural right to participate; and that the throwing open the trade of India, now confined to a single port, to the different ports of the United Kingdom, would unquestionably tend to excite emulation amongst its merchants, and increase the revenues, wealth, strength, and glory of the British empire; and that the port of Plymouth possesses every capacity and convenience of harbours, docks, stores, and warehouses for any trade whatever, and its situation in the British channel, admitting an easy ingress and egress of ships and vessels in all winds and weather, makes it equal to any port of the British isles for carrying on an extensive commerce, and is particularly well adapted for trade to the East India seas; and that the merchants and traders of the port of Plymouth have of late years considerably increased their property in shipping, which is still augmenting, and praying, that the House will not permit any further extension or renewal of the East India Company's charter, but that it may be suffered to expire on the 1st of March 1814; and that, from that time, the trade to the British East India settlements may be opened to all his Majesty's subjects, or if it should be thought proper to confine the trade to certain ports, that the port of Plymouth may be named and appointed as one of them."

Ordered to lie upon the table.

PRINCE REGENT'S MESSAGE RESPECTING PORTUGUESE TROOPS.] The *Chancellor of the Exchequer* presented the following Mes-

Digitized by Google

sage from his royal highness the Prince Regent:

"George *P. R.*

"The Prince Regent, in the name and on the behalf of his Majesty, thinks proper to inform the House of Commons, that the assistance which his Majesty has been enabled to give to the Portuguese government, has happily furnished the means of improving the military establishments of that country, and of rendering conspicuous the valour and discipline of the Portuguese armies, and has thereby contributed most essentially to the successful deliverance and defence of the kingdom of Portugal against the enemy.

"The Prince trusts that the House of Commons will enable him to continue, in the present year, the same support to Portugal which was afforded in the last, and from which such important advantages to the cause of the allies have already been derived. G. P. R."

Ordered to be referred to the Committee of Supply.

MUTINY BILL—FLOGGING OF SOLDIERS.] Lord *Palmerston* moved, "That the Mutiny Bill be now read a third time."

Sir *Francis Burdett*, in bringing the subject of military punishments again under the notice of the House, hoped he should be considered as performing, as was his intention, a duty to the army and to the people at large. He was persuaded that few gentlemen could be found who would differ with him in the sentiment, that they ought, if possible, to get rid of the punishment of flogging, or, as it was called by a circumlocution which seemed to imply that those who supported the practice were ashamed of the simple and direct word by which it was described, "corporal punishment." But imprisonment was also a corporal punishment; and his objection was not, therefore, to be taken as against this species of infliction generally, which he confessed to be necessary in the coercion of soldiers to their duty, which the slow progress of civil law would be inefficient in accomplishing. It was his object to contend, that there were other principles which might be acted upon, and other punishments, short of death, and even death itself, which might be inflicted more consistently with the good of the service—more consistently with the character and honour of the soldier, and more consistently with the character and honour of the nation. Gentlemen were not perhaps aware of the extent to which the present odious system led, or of its specific nature. Not only from the disgraceful kind of punishment, but from the manner in which it was considered by the civil law of the country, it was stamped with peculiar infamy, and this was the more important to be kept in view now, when the military system embraced the whole population of England, and every man above the age of 18 was liable to be brought into the ranks. Under such circumstances, it was indeed most important to bear in mind that legal disability went along with the infliction of the lash. Mr. Justice Blackstone put the individuals who had been punished by flogging on a footing with those who had been convicted of the worst and most disgraceful crimes, such as perjury and felony, and held it to be a just ground of challenge on a jury, that a person had been flogged. How the practice had crept into the army, he had, after the most diligent inquiry, found it impossible to trace; but he had every reason to think that it was not of many years standing, and that it was only during the present war that it had been carried to a great extent; and it was natural to believe that it had gone on, and would continue to increase, for it was in the very spirit of such punishments to require the greater severity, the longer they were established. What was at first sufficient to answer the purpose of terror, by degrees lost its force, till aggravated and more frequent examples became necessary, and humanity shuddered at the extremity to which cruelty and barbarity must be carried, and which after all, were unproductive of the effects anticipated from them. He was sure of being relieved from one part of the difficulty attendant upon the discussal of this subject, as every man to whom he addressed himself must view with disgust and abhorrence the abominable system of torture, at the abolition of which he aimed. His task would, therefore, be shorter, as he had only to shew the impolicy of what must be confessed, on all hands, to be inhuman and barbarous. Yet even here he felt a considerable degree of embarrassment, arising from the difficulty of applying reasoning to what one would think the heart must determine on instantly before the judgment could be consulted. If the mind did not revolt at once from the mere statement of a practice so abominable, it would be no easy matter to convince the under-

Digitized by Google

standing of those who could bring themselves to cold reasoning and calculation on the subject. He would, however, attempt to offer some arguments on the case, and, to begin, would revert to his former position, that the practice was not sanctioned by its antiquity. That it was not an ancient practice, a reference to the statute book would sufficiently evince. In the early statutes, the punishments of military offences, like those of other offences, were specified, and those offences, like other offences were universally referred to the decision of judges and a jury. The 18th of Henry the sixth declared military desertion to be felony without benefit of clergy, and provided that the offender should be tried by a jury. There were statutes of Henry 7, and of Edward 6, to the same effect. By those statutes, absence from the muster-roll was rendered punishable by a short imprisonment, while, by desertion, the punishment of death was declared to have been incurred. So it was during the reigns of Henry 8, and Philip and Mary: and up to that last named period, military offences were tried by the same tribunals as offences of every other description, and were punished by similar inflictions. He believed that any upholder of the present system of flogging would be very much put to it to show that it was the practice, even in the armies under the glorious duke of Marlborough.—He had heard from old persons, who had been long in the army, that they could remember but one instance of this species of punishment being inflicted, and in that one case the individual was sent out of the army. He himself recollected in his boyhood, having seen persons pointed out as having been drummed out of their regiment. To what then were they to attribute the change that had since taken place? There were no drummings out of the army now. This could be accounted for only on the supposition that they could not discharge the soldier from the army, without conferring a benefit upon him; and why? Because in that line of life his reward was not adequate to the services he performed, and they were obliged to compel him to his duty by torture. This was the sole ground-work for the supposed necessity for continuing this cruel mode of punishment. An officer was not flogged. To dismiss him was considered a sufficient punishment for many offences; but to dismiss a soldier was considered a reward. Here he could not help animadverting on what had fallen from an hon. and learned gentleman, the Judge-advocate, the other day. That hon. and learned gentleman had told them, by way of inducing a belief that flogging was almost extinct, that he had great consolation in stating, that only eight persons had in the course of the year been sentenced to receive lashes by general courts-martial, and that of these, the sentence had only been carried into execution (to the number of 700 lashes, a number he should have thought beyond all human endurance) upon one man, who had refused an offer of commuting the punishment into service abroad for life. What was the source of the hon. and learned gentleman's consolation he was at a loss to discover. It could not arise from a conviction of the decrease of this mode of punishment—for such sentences by general courts-martial were known never to be numerous. Would he tell them how many men were doomed to this degradation and infamy by regimental courts-martial? He was convinced he spoke within bounds when he asserted that he might add thousands to the hon. and learned gentleman's eight, and not go beyond the fact. They had, therefore, no grounds for paying any attention to this fallacious statement, calculated to flatter them into a belief that the odious punishment alluded to was on the decline. He now came to consider the question with regard to the effects produced by this species of punishment, and he might say, that all the officers with whom he had conversed on the subject, agreed *una voce* in this point, that even if it were impossible to get rid of the practice altogether, it was one sadly abused, and if it at all permitted, the offences liable to so severe a visitation, should be distinctly specified. To this effect he had the written testimony of many distinguished officers, since 1798, when the subject was first discussed by major James. General Colburn held, that no military offence should subject the perpetrator to the infamy of being flogged, except such as in the civil law would be punishable with equal pain and ignominy. Sir Robert Wilson, general Stewart, and all those who had published their opinions on the subject, united in declaring that the mode of punishment was cruel and stigmatizing—that the man who suffered it rarely or never held up his head afterwards in his regiment—and that, for one whom it had the effect of reforming, many a good soldier, for perhaps

Digitized by Google

a single transgression, without moral turpitude, unable to bear the shame in which he was involved, became so debased and careless of duty from the moment he was so punished, that his utter and irretrievable ruin was the consequence. He had been told instances of those who bore the infliction of this torture, almost beyond nature to endure, without betraying any emotion, and who yet felt so acutely, that they could never afterwards recollect the disgrace to which they had been exposed without shedding tears like children. He put it then to the House to say, if it was fit to expose men capable of such an union of fortitude and feeling to such a punishment; and whether it was fit to employ means so humiliating and degrading in a profession, the basis of which ought to be honour? He put it to them to say, if it did not go to destroy the moral character, and all the energies which ought to distinguish a soldier? It robbed him of all dignity of mind, and the firmness consequent upon that feeling, and reduced him to a level with the basest creature in society. A principle like this must at all times be reprehensible; but how much more so did it seem at this moment to be applied to the British army—that army whose valour had so gloriously maintained the character of national bravery. It would be a crime to believe, that men capable of such exploits could require such means to enforce discipline. Indeed it appeared in practice, that the best regiments in the service were those in which this mode of punishing did not prevail; and he was persuaded that, whenever the officers of a regiment used proper vigilance to see that the soldiers had their dues, when they removed the suspicion of ill treatment, when they checked small offences, and thus repressed the spirit of disorder in its infancy—when a regiment was fortunate enough to possess such officers, there would be seldom found occasion to use a cat o'nine tails. Formerly much of the severity of military discipline arose from a suspicion (too frequently well-grounded) on the part of the soldiers that they were unfairly treated. A great portion however of the causes of this suspicion had been done away in the British army. Discontent therefore, and the offences to which it instigated, had diminished, and this horrible punishment was consequently rendered less necessary, if, indeed, it could ever be said to have been at all so. He was happy to hear this testimony to the efforts made to diminish those abuses by which the comforts of the private soldier had been so seriously invaded. In the 1st regiment of guards, he was told, it was in orders that the non-commissioned officers should not make any profit on money they were entrusted to expend for the use of the soldiers; and this bore him out in the statement, that the contrary had formerly been the practice, though now there was little ground for suspicion that the interests of the soldier were unattended to. There was, however, some cause for censure in this respect, which he witnessed when he was in the Tower—the bread given to the men was of a bad quality, and they were under the necessity of purchasing other. There might, however, for ought he knew, have been an easy remedy for this inconveniency—still, even the utmost attention in these respects was not sufficient to sanction the continuance of the power of flogging, when they recollected that no one was answerable for the soldier but the surgeon, who was a party concerned. If the soldier died, there was no coroner sat upon him, and the surgeon was not even examined upon oath. He would be asked "What will you substitute for the mode of punishment you take away—will you substitute death?" To this he would answer, that there were many intermediate steps of punishment that might be adopted. But were they sure that death at once would not be more humane, and perhaps not more fatal, than the system in use? He knew from authority on which he could rely, that a few years ago, eight soldiers had died at Gibraltar in consequence of the severity of the punishment to which they had been exposed; and if he was rightly informed, which he did not doubt, the officers who composed the court martial had refused to find a ninth man guilty as soon as they were aware of the fate of the others. For this refusal they were superseded and sent over to England, but were soon after reinstated by the Commander-in-Chief. The surgeon had originally given in his report of the deceased soldiers—"Died of punishment," but, for reasons not explained, had afterwards altered it to—"Died of fever." The point to consider then was, if, under the existing military code, they did not kill more, and, at all events, render more useless, than even if they resorted to the punishment of death itself, for the commission of the higher crimes. But there were also other advantages which would arise out of the

Digitized by Google

latter. Men would not condemn to the loss of life on light and inadequate grounds —they would weigh matters maturely and seriously, before they inflicted death; but they would go on flogging for the life of the individual, without ever giving his case that deliberation and grave consideration it merited. General Colburn, to whom he had already alluded, had declared his opinion, that the sentence was illegal which condemned a man to suffer more than he could endure at one time; and he concurred with him, that it was as unjust as it was barbarous, to bring a man out to bear at a second, or even a third punishment, what it was impossible for him to live under at one infliction. There were many other objections to the practice. The degree of punishment was unequal in severity; it was left to the caprice of the commanding officer, or the officers composing the court martial; and who could calculate the sensibility of the nerves of different men, which made that to one a slight, which to another was a mortal infliction? The instrument of torture was also liable to variation in different regiments, and even in the same regiment at different times. If such a mode of treatment was to be tolerated at all, which in his judgment it ought not, that House, which gave the authority and power, ought to take care and define the crime liable to this species of visitation—to prescribe the dimensions and sort of instrument—and to limit its application. They ought to see, that there were no variations, such as he had just noticed, and which were only to be accounted for on the ground, that the system altogether was an abuse which had crept into the army, and, like all other abuses, was unbounded; for what the law enacted, the law took especial means to limit and define. He now came to notice the arguments, if arguments they might be called, of those who had opposed the abolition of this detestable practice. They said, "You must have it; the army is composed of such a description of persons, that flogging must be allowed." How unjust such an assertion was to the English army, their conduct, on every occasion, completely manifested, and he would not enter into a refutation of the calumny. The gentlemen opposite, however, had done all in their power, by incorporating with it convicts from the hulks, to degrade the army to a degree so as to justify their argument, that the lash was indispensable. But could it be that the House would think, that for the sake of 2 or 300 wretches sent from these repositories of guilt, to increase the numbers of the army, but certainly not to augment its strength, such a system should be upheld? There were others so tender of life, though callous to the best feelings of the soldier, that they defended the present mode on the ground of this perverted humanity. Others again were its friends through economy, as they would do nothing which might deprive the service of a man. In the end, however, they would find their economical measures the most dear. For what was the result? Let a recruiting officer ask a countryman to enlist, and he would receive the answer, "I will never subject myself to be tied up to your halberts." This idea ran through the country, operated against the inclination for military service, and rendered the granting of heavy bounties necessary. The apprehension stimulated to desertion; as the soldier who had committed some slight offence, terrified at the punishment which awaited him, was tempted to abscond, on the double chance of making his escape altogether; and, at any rate, of at least putting off the evil day, a principle, however unfounded, exceedingly strong in the human mind. Thus, it appeared, that in their aim at cheapness, they would, on all hands, be grievously disappointed. But, again, he might be asked, since you condemn the existing practice so much, what substitute do you propose? This was so ably and feelingly answered by major James, that he would read the passage from his work on a supposition of the same question being put to him.—"I say," were major James's words, "abolish flogging; and, as for a substitute, I will not trust myself with reasoning on the subject."—So said he, (sir F. B.) abolish it; and if, by a substitute, was meant any thing equally infamous, equally unjust and cruel, it might be replied, there was none to be found. But if, by a substitute, was meant a difference in discipline—let reward be that substitute. Give the soldier comfort and ease for the remainder of that life, worn out in the service of his country, let him not know want and penury; let him find his toilsome and stormy youth succeeded by an age of quiet and security. But what, on the contrary, did they see? Men, who, in these glorious battles, which were in every one's mouth, had lost their limbs, reduced to the miserable and scanty pittance of sixpence or ninepence per day. Was this an adequate

Digitized by Google

compensation for the risk of life—for the loss of limb in bravely fighting to advance the cause of their country? It was true, that, after a longer period of service, they were entitled to receive one shilling, eighteenpence, and so much as two shillings a day; but those whose service had been short, were placed on the wretched allowance which he had described, and certainly afforded no example very seducing to others to embark in the same career. On the contrary, every one of these men served as a beacon to deter others from entering into the army, where dangers, exertions, and privations met with so ungrateful a return. Instead of always hearing of punishments, he would wish sometimes to hear of rewards for good conduct and gallant actions; of promotion for the display of courage and talent; and he was convinced, that a system of this kind would supersede the necessity for barbarous punishments. But if punishment and fear alone were to operate, the army would remain in its present condition; and it appeared to him that all other evils in life vanished, in comparison with those of a soldier. All was one gloomy scene, there was nothing of sweetness in the past, and nothing of hope in the future. And though, when brought face to face with the enemy, he seemed to forget every evil of his condition—to think only of his own honour and the honour of his country, and rush, with heroism, upon the opposing gun or bayonet; this only proved him more worthy of another sort of discipline, and of the gratitude of his native land, which he defended. He need not go in foreign service for proof, that such punishment was not a necessary ingredient in military discipline. There was an illustrious instance at home in his royal highness the duke of Glocester, who had declared his hostility to the use of the lash, and inspired his officers with similar sentiments.—The consequence was, that by their wisdom, vigilance, and policy, they had succeeded in abolishing corporal punishment in the regiment for four years, and yet the whole army could not boast of one in a state of better order and discipline. He had high satisfaction in paying this tribute of approbation to the duke of Glocester, who had thus afforded an instance in point, not only of there being no necessity for flogging to make a good regiment, but even that by a contrary system men might be reclaimed (as this regiment was) who had formerly been subjected to the most severe treatment. He had only to add to this, that a battalion of this regiment (the 3d Guards) serving abroad, were so distinguished for their high discipline, that lord Wellington, on a late melancholy occasion, when he found it necessary to order two men to be shot, stated in orders, that it was unnecessary for this battalion to attend the execution, as their conduct had been so correct as to need no example to be set before them. He hoped after this, that the necessity for flogging would not be contended for, as indeed it was only by men who were the least acquainted with their own profession, and with human nature. That this was no fanciful notion, or fine-spun theory of his, he had the written and oral testimony of many excellent officers of the line and the militia to establish; and in proof of this, he read a few passages from the works of generals Colburn, Stewart, and sir Robert Wilson. He had heard, and believed, that the duke of York had expressed his disapprobation of this disgraceful mode of punishment; and if his Royal Highness would issue orders on the subject, and press it as had been done by his royal relative, he was persuaded it would be in his power to get rid of it altogether. But they must take care ministers should not furnish reasons for its continuance, by sending such men as they had sent from the hulks. If they did make soldiers of them, they ought to be formed into regiments by themselves, and the whole service would not then be degraded by a few wretches scattered throughout the mass, to keep the lash suspended over them all. He could adduce many other authorities (not written) of great weight, all agreeing in expressing disgust at the present system. Lord Moira had declared it to be unmanly and pestilential. Lord Hutchinson was also decidedly hostile to it, and he might even assume, from the practice of that noble lord, that lord Wellington was anxious by its abolition to raise the moral character of the soldier. In proof of this, he had heard from an officer of his lordship's regiment, that while in India, he scarcely recollected such an occurrence as the infliction of this punishment.—General Money had also given his voice against it; and the German officers in England had declared that no country could so well dispense with it, as we had the alternative of sending men to our colonies and the West Indies, instead of punishing them in this inhuman way. Here

Digitized by Google

he would take an opportunity of explaining his sentiments with respect to foreigners, and particularly Germans, towards whom he entertained no illiberal feeling. On the contrary, he was inclined to afford them protection, and treat them with even greater hospitality than they received, and his sole object in raising his voice as he had lately done in that House, was, that they should not be put over the heads of Englishmen who aspired to fill these situations.—He then proceeded to notice the hardship of inflicting a part of such punishment, and then commuting the remainder into foreign service. It was unnecessary to detail the melancholy effects which had been produced by this mode of punishment. Men had destroyed themselves through apprehension of it, and he firmly believed that no man, after suffering the lash, was ever fit to be trusted. He knew it was the opinion of all officers that the cat-o'-nine-tails spoiled a good soldier, and made a bad man worse. Excessive punishment always defeated its own object. No man would treat any animal in the way in which human beings were sometimes treated: and yet a horse might be whipped until he stood still. With regard to the plea of necessity, it was not for him to disprove it—but it behoved the gentlemen opposite to make out the position, that flogging could not be done without. Military torture ought to be as inadmissible as civil torture. He repeated, that the strongest part of the argument rested on the liability of the whole population of the country to be called out as soldiers. The father of a family might be dragged from his house to serve in the ranks, and put in a situation in which he would be subject to military flogging. There had been great sympathy excited a few years since on the subject of the Slave Trade, and he heartily rejoiced in the abolition of that inhuman traffic; but he did not believe that ever a slave in the West Indies suffered so much as the British soldier, for by the laws of Jamaica the number of lashes was limited, and they were inflicted, not by the party offended, but by a public officer. He hoped their humanity was not exhausted in getting rid of that traffic, but that there was still enough left to induce them to abolish an abomination even exceeding that in horror. He did not doubt but the practice would be defended under similar perverted pretences to humanity as had been used on the Slave Trade. There were persons ready to defend any thing. He had read defences of the Inquisition and torture, and if torture was at all defensible, he did not see why it might not be inflicted, as well for the salvation of the soul as on a military pretence. But however defended, he was sure the practice was impolitic, disgusting, and cruel. Before he sat down, he would again advert to the importance of the subject, on the ground of the legal disqualification wrought by flogging, when the whole people were liable to military service.—He asked if this was a situation to which the people of England should be exposed, and expressed his pre-opinion, that this subject was so founded on humanity, that neither party nor political sentiments could have operated, so as to bring two persons to differ upon it. It had nothing to do with party. The opposition to the system was founded on humanity: and in that point of view, needed not the aid of argument; it was also founded on policy, and in that point of view, could be supported by irrefutable reasoning. If the country would but do justice to the army—if a reward was held out for good conduct—if those, who had served 30 or 40 years, instead of being sent abroad to hard garrison duty, were allowed to pass the rest of their lives at home and at ease, there would be little necessity for resorting to severe punishments. Far different was the present fate of the veteran. When he had exhausted the strength of his youth in the service of his country, that ungrateful country, instead of affording the means of comfort in his age, availed itself of his last and feeble efforts, and sent him to a distant and baleful clime, there to descend into an unwept grave. Had the plan originated some years ago by a late right hon. gentleman (Mr. Windham) been persevered in, the good effects would by this time have been strikingly manifest. It was a plan which no consideration of economy ought to have interrupted. That right hon. gentleman had, for the first time, (however imperfectly) impressed this great principle on the military service of the country, namely, that the only rational foundation on which the good conduct of the soldier could be expected, was to better his condition. He must know very little indeed of the character of mankind, and of Englishmen in particular, who did not know that it was much easier to lead than to drive. To lead men by a principle of honest emulation was infinitely preferable to driving them forward under a system of

Digitized by Google

terror, like that embraced in the maxim of Caligula, "*Oderint dum metuant.*" To none was this remark more applicable, than to those engaged in the military profession. It was to satisfy his sense of duty upon the subject, that after the third reading of the Bill, it was his intention to propose a clause, the effect of which would be to declare that the punishment of flogging rendered the person on whom it was inflicted infamous, and liable to the challenge of a jury; and that the same ought to be abolished.

Mr. *Manners Sutton* observed, that the hon. baronet set out with professing that what he had to say would be an appeal rather to the hearts than to the understandings of members; and in truth his speech had been addressed to the passions rather than reason. He was persuaded that, however conscientious the motives of the hon. baronet, there was no degradation from which the British army would recoil with more disgust and impatience, than from the description which the hon. baronet had been pleased to give of their situation. What! was it true that a British soldier was subject only to punishment? Was he entitled to no reward? Was he in a worse state than an African slave? He would venture to say, that there were no assertions so untrue, so calculated to incense the feelings of the British army, and indeed to reduce them to real degradation, as many of the statements of the hon. bart. The hon. baronet had hazarded opinions not founded on any enquiry. He had said, that no soldier who underwent corporal punishment could ever raise his head again among his friends and companions. If he had investigated the fact, he would have found that in many regiments soldiers who had suffered proper corporal correction, so far from having become worthless, had afterwards conducted themselves in such an exemplary manner as to become non-commissioned officers, and in that new situation to fulfil all their duties irreproachably. This was fact, and the hon. bart. was not justified in coming down to the House, and uninformed as he was, broadly stating, the punishment was invariably followed by the self-abandonment of the soldier on whom it had been inflicted. The hon. baronet had charged him with an intention, on a former night, of deluding the House by a fallacious statement with respect to the number of corporal punishments that had recently been inflicted. If the hon. bart. had condescended to be present on that occasion, he would have heard how the subject was introduced, and in that case he would, perhaps, not have deferred his present proposition to a time when it could not with consistency be possibly received; for certainly nothing could be more ridiculous than to suppose, that after the House had read, for the third time, a Bill which recited corporal punishment as intimately connected with its provisions, they would agree to tack to it a clause by which corporal punishment should be wholly abolished. He would inform the hon. baronet, that what he had stated on the evening alluded to was, that he was persuaded of the impossibility of abolishing the punishment altogether; although he felt in common with those whose immediate duty it was to enforce the law, the utmost wish to render that punishment as little frequent as necessity would allow. He had also observed, that the statements made relative to punishments inflicted had been grossly exaggerated, and that in the infliction of punishment for offences, it would be much better, in his opinion, to leave the discretion in the courts martial. With respect to what the hon. baronet had said as to the infliction of corporal punishment not being known in foreign armies, and that the high state of discipline and valour evinced by those armies, evidently shewed the practical good resulting from it, he must answer, that to take it out of the military code of Great Britain, would not be attended with beneficial effects. By so doing, a summary, and in some respects, an arbitrary power would be vested in officers, little compatible with the genuine spirit of the British constitution. What was the present form of proceeding in courts martial? The offence must be proved on oath, and then if guilty, a sentence was pronounced; but it did not always happen that it was carried into execution. The best security, therefore, that the soldier had, was in the discretion and humanity of the court. Inducing the House to suppose that the individual charged was not clothed with greater security under the present code, was an attempt to mislead its judgment. It was owing to that high-minded and liberal feeling which guided the conduct of officers, that the condition of the men was so good. The hon. baronet had talked of the impolicy of subjecting the men to the caprice of their

Digitized by Google

officers. Such an insinuation was dangerous, for it would have the effect, by insinuating that the British officer was capricious, of taking away that affectionate attachment which generally was found among all ranks of the army to the commanding officers. The arguments which he advanced to shew the danger, by stating that the men were bad in consequence, was not fair; for if the hon. baronet had been present on the former evening, he would most undoubtedly have been satisfied that such an imputation was directly inconsistent with the general feelings of the House. He would have learnt from the discussion of that evening, that the men introduced from the hulks, so far from their furnishing bad materials for the army, had, on the contrary, turned out some of the best soldiers. Indeed the whole of his arguments seemed to have no other tendency but to the conviction, that it was impossible the House should adopt his clause. Where, for instance, could he have discovered the opinion of judge Blackstone, namely, that corporal punishment incapacitated a man from sitting on a jury? Certainly not in his writings; for he (Mr. S.) had no recollection of such an opinion, nor did he believe the fact was as stated. However the hon. baronet had used it as one of the most weighty of his arguments in support of his proposition. If the House would estimate the importance of the hon. baronet's other arguments by this one, they would see that the proposition was perfectly unsupported by reasoning or authority.—The proposed clause was wholly inadmissible; it was most desirable to diminish corporal punishment, by commutation for imprisonment, at the discretion of officers—but the option should be always held out *ad terrorem;* and it would be totally subversive of discipline, and ruinous to the best interests of the army, to do away altogether the principle of corporal punishment. He would, when the opportunity should occur, give his most unqualified dissent to the motion.

Mr. Abercromby was disposed to think that advantage had arisen from the many discussions which had already taken place on the subject. At the same time it was a subject, of all others, on which, in the discussion, great caution ought to be used. With respect to the question, he was happy to concur in the course which had been adopted by his Majesty's government, not at all questioning the purity of the motives which had induced the hon. baronet to bring this subject under the consideration of the House; but wishing, however, that it might not again be brought before parliament. He differed from the hon. baronet in the mode most likely to effect the object which he had in view. If the condition of soldiers was considered, it would appear that it was indispensibly necessary to resort to a different mode of punishment than was adopted in ordinary society. He saw no good that could attach either to the civil or military government, by the introduction of a tone and spirit in the army such as was attempted to be introduced; it was holding out both to the army and the country, that the present code was not desirable, and therefore ought to be dispensed with. He conceived that the discretion could not be in better hands than in those of a British officer; and he therefore should object to the motion.

Sir *George Warrender* begged leave to correct the hon. baronet in what he had said respecting promotions, by stating that after the battle of Albuera, and after many other battles that had been fought in Portugal, lord Wellington ordered the list of serjeants to be sent to him, for the purpose of promoting those to be officers who had behaved well—and he also, as colonel of a militia regiment, had had an opportunity of promoting three into the line, who now held commissions in the regular army. The hon. baronet had also wished that monthly returns were sent in to the Commander in Chief, specifying the number and nature of the crimes committed, the punishment inflicted, &c. He could inform him that half-yearly returns to that effect were now sent in to the office of the Commander in Chief. He expressed his regret that the hon. baronet should have relied on the publications of certain officers, and he also regretted that those officers high in rank should have made public their opinions on the subject; it would have conduced more to the benefit of the service if they had stated those opinions to the government, or to the Commander in Chief, for he well knew that illustrious person had the most sincere desire to abolish corporal punishment. The right hon. and learned gentleman had completely answered most of the hon. baronet's arguments. He had never understood there was any difference in the instruments by which punishments were inflicted. The distinction between

Digitized by Google

punishments in foreign service and the British service, was that a British officer dare not lift his hand to strike a soldier, and that in the French service the men were cruelly beat by their officers. The condition of the British soldier was this, that he felt himself not degraded but much elevated above the soldiers of every other nation in Europe, in every point of view. In illustration of this assertion, he might refer to the character of the 15th dragoons, in which regiment discipline was strictly enforced; and that regiment had distinguished itself during the war on various occasions, in the most exemplary manner.

Mr. *C. Adams* observed, that corporal punishment had been inflicted in the reign of queen Elizabeth, and in the war of Marlborough, and yet the army, as might be seen in the history of Sully, in the former reign, was distinguished for valour and discipline before Rouen. And on their conduct in the latter period, it was unnecessary for him to say any thing. It had been said on a former night, by an hon. and learned gentleman (Mr. Brougham), that it was owing to the opinions of Mr. Cobbett that corporal punishment was abated. He did not know what might have been the military education of Mr. Cobbett, but he believed, that if he had felt the terror of the lash, he would have been deterred from publishing many of those opinions, which, since he left the army, had involved him in so many awkward predicaments; and might now be dwelling in other lodgings than those which he had provided for himself. The hon. baronet, in the course of his arguments, had not noticed or proposed any remedy for corporal punishment in the navy. What had the navy done that they were not to be included in the hon. baronet's proposition? He did not impute any bad intention to the hon. baronet in bringing forward this motion. It could not be a love of popularity certainly, for he had already a large stock of that material on hand:—whatever were his motives, he was convinced, however, that this discussion must do mischief, because it tended to raise hopes in the minds of the soldiers which could not be realised.

General *Loftus*, after the speeches of the right hon. and learned gentleman, and of the hon. baronet (sir George Warrender), should not have been inclined to trouble the House, as these hon. members had given so full and satisfactory an answer to all that the hon. baronet had advanced; but he could not avoid expressing his concern that questions of this nature should be brought forward. He could not see any good that could arise to the service or to the country from such agitation. On the contrary, he saw the possibility of infinite mischief. He had always been averse to severe corporal punishments, and had always opposed them when he was able to do so without affecting the discipline of the army. But there were situations in which officers commanding corps throughout the army were sometimes placed, in which it became absolutely necessary to punish for the sake of example. He would venture to say, that there was not one man in ten thousand so punished, who was not thought by his comrades to be deserving of it. Every man who heard him, who knew any thing of the service, must be convinced that all courts martial were favourable to the prisoner; every thing which told in his favour being attended to. The hon. baronet, no doubt, was historian enough to know that the freest states were those states the most strict in military discipline. An army without discipline was the greatest enemy which a state could have to contend with. He could not think that the object which the hon. baronet had in view was to lessen the security of the country, by relaxing the state of the discipline of the army, but such would be the effect of his proposition, and under that impression he must oppose it. In respect to there being no rewards for meritorious soldiers, the hon. baronet (sir G. Warrender) had given three instances of promotions of non-commissioned officers from his own regiment, to commissions in the line. He (general Loftus) could state, that in his own regiment he had officers who had risen from the ranks to commissions, for their good behaviour; besides, was there not provision made by the means of Chelsea? He had supported the liberal plan of Mr. Windham; and the more he thought of it the more he was satisfied that it benefited the soldier. He wished corporal punishment could be abolished, but experience had shewn that it was impossible to do so without lessening the discipline which had brought our army to that degree of vigour of which it now boasted.

Mr. *Bennet* agreed with the arguments, and would support the motion of the hon. baronet. From the tone and manner as-

Digitized by Google

sumed by the hon. and learned gentleman, (the Judge Advocate), it would almost seem, that the question was not for the destruction of an evil, but for the continuance of a blessing in the army. The system of punishment against which the clause was levelled, was one which was already abandoned in principle by many great military characters; and he should not, therefore, take any abstract views of it. He did not either conceive it necessary to trace this mode of punishment to its origin, although it might not be amiss to say, that it was first introduced here by king William amongst his Dutch troops: it was sufficient for the House to know that it now existed in England alone: that it was not practised in France, nor in the military states of Germany; and that so far from corporal punishment being upheld in foreign armies, an officer would be likely to fall a sacrifice to the indignation of the soldiery, if he dared to raise his hand against a person in the ranks. He believed, contrary to what was said by other gentlemen, that the discussions on this subject were productive of great good. Was it not in consequence of them, that courts-martial were now sworn,—that the evidence before them was obliged to be given on oath,—and that the discretionary power of commuting punishment was in existence?—He particularly objected to regimental courts martial, and to corporal punishment generally, which was inflicted for trifling offences—such as the soldier being too late at drill—too late on parade, and being asleep on his post. He had the honour of belonging to the 1st regiment of foot guards formerly, when the late duke of Gloucester commanded that regiment; that illustrious person never interfered but to do some good to the regiment. Such was the case with his royal highness the duke of York.

Lord *Palmerston* was glad to see that the discussions on this subject had been productive, at least, of one effect; it was now in fact, avowed on all sides of the House, with scarcely any exceptions, that the abolition of the species of punishment under consideration was quite impracticable. The hon. baronet had spoken in just terms of praise of the memory of Mr. Windham; but if he (lord P.) knew any thing of that high character, he was convinced that that right hon. gentleman could have heard nothing with more indignation than the hon. baronet's comparison, this night, of the soldiers of England to negro-slaves. Nothing could have been more repugnant to his feelings, than to hear the hon. baronet describe the army as the most degraded and most wretched of human beings. The whole of the hon. baronet's speech was made up of a series of contradictions: every sentence, in fact, seemed to be filled with propositions hostile to each other; such, for instance, as saying in one breath, that the condition of our army was most degraded—and in the next, that this degraded army performed the most glorious exploits. He did not think it fair to argue from analogy against this mode of punishment. In foreign armies, where corporal punishment was not systematic, there existed what was still more degrading to men—a system of wanton and capricious ill-usage.—Trial by courts-martial was governed by the strict principle of justice, and therefore could not be said to overthrow the energies of the men. With respect to corporal punishment, it was not coeval with the present war as had been asserted, but had existed in all times when the military service was called into action. The House, upon the mere assertion of the hon. baronet, would not, he trusted, abolish the practice, unless some satisfactory proposition was brought forward, and the hon. baronet had declared, that so far from making any such proposition, "he would not trust himself to reason upon a substitute." With respect to promotions, an hon. baronet, and a gallant general, had stated some instances of privates being elevated to commissions. He should state another fact. After the battle of Busaco, the Commander in Chief sent to lord Wellington, ten ensign's commissions, as rewards for so many non-commissioned officers who had greatly distinguished themselves.—Would any man, after the instances they had heard related, say that the British army received punishment and not reward? The hon. baronet had talked of the men dragging out a miserable existence in the veteran battalions, after 30 or 40 years service. He was mistaken, in asserting that fact: the men were certainly placed in those battalions, from incapacity, either by wounds, or other infirmities, and they were not called upon to do foreign service. The pressure of war had, however, been so great, as to call forth the service of two of those battalions abroad, where they were stationed; but, in point of fatigue, garrison duty was not so great. As to Chelsea hospital, the men

Digitized by Google

were well satisfied with that as a reward for having ably served their country; they were grateful for it, and considered it adequate to their wants. An hon. gentleman, (Mr. Bennet) had noticed the punishment for a soldier's being found asleep on his post. Was the hon. gentleman aware, that by martial law, the offence was one of the greatest in the catalogue, and was punishable with death? Did not the security of the army depend on the watchfulness of the sentinels? At home, to be sure, where so much care might not be requisite, discretion in apportioning the punishment might be tolerated. Conceiving that the existing military code was necessary for the security of the country, he should oppose the hon. baronet's clause.

Mr. W. Smith, though agreeing with the hon. baronet in the general dislike which he felt for this mode of punishment in the army, could not vote with him, on account of the manner in which he had brought forward his clause this night. He contended that the hon. baronet had, instead of mischief, done great good by urging these discussions; but he was at the same time convinced that no discussions ought to be more cool, nor any more tempered by moderation. He thought it quite ill-timed to introduce this clause on the third reading, when it might have been with infinitely more advantage brought forward in the Committee. It appeared that all persons wished that this punishment could be dispensed with, and he was convinced that it one day would be dispensed with: but to take an illustration from the Slave Trade, as others had done, he thought that the existence of flogging was just in the same predicament as the existence of slavery. Though the Slave Trade was abolished, who was there that would venture to say that it was practicable to emancipate the slaves? He was afraid that there was something in the character of slavery which rendered it dangerous to give immediate freedom to the slave. As long as there existed a mass of baseness and profligacy in some of the soldiery, he was afraid that flogging must exist. A friend of his had told him, that in his Highland regiment nothing formerly was considered more disgraceful than a flogging. The highlander who had the misfortune to be submitted to the punishment, would in fact be for ever ashamed to hold up his head or return to his family. The principle of honour, therefore, which animated those men, used to render flogging unnecessar but the case was now changed: his re ment had been recruited from the ref of some manufacturing towns, and the wa of a sense of honour in such men was liged to be supplied by punishment. T greatest objection which he had to t punishment was the effect which it w likely to have on the peasantry of country in the local militia. He did think that the peasantry ought to be su mitted to the degradation of such a puni ment: it must ultimately prove det mental to their character. There was a argument of his hon. friend (sir F. B dett) which was not treated fairly by noble lord, and he should notice it. H hon. friend had said, that the conditi of the army was degraded by this punis ment, at the same time that he acknow ledged the glorious character which o army had obtained. He would ask th noble lord, was not this union of degrad tion and glorious character possible? W it not plain that both could be co-existe in the same army, when it was recollect how well the Saxons and others foug against their own country, when forc into the service of Prussia?

General *Tarleton* approved of the Bill i its present form, and objected to the intr duction of the clause proposed. H thought the system of education intr duced into the army would tend to d away the necessity of resorting to th mode of punishment complained of. Th soldiers in our service had great reward to look up to; not only might they ris to be non-commissioned officers and afte wards advanced to the rank of ensigns, b they might even rise from the ranks to b generals. A general died but the oth day who had risen from the ranks, an who had acquired a large fortune, and le behind him 80,000*l*. The private me instead of being in a miserable condition were better paid, clothed, and attende to, than the soldiers of any other countr in the world. An hon. gentleman, wh had anticipated three debates, in a speec which he made on this subject, had state sir R. Wilson, general Money, and ano ther general, whose name he did not re collect, to be enemies to the present sys tem of punishment. He had to contradic this, as far as related to general Money, a he had a letter from him on the subject part of which he then read, which was t the following effect:—"Crown Point Norwich, March 11, 1812.—My dea

Digitized by Google

general; I have seen in the public papers my name mentioned as an advocate for the abolition of flogging. I enclose a few lines, to shew you what my thoughts are on the subject. It certainly would be a good thing, if it could be abolished; but I agree with you, that it cannot be done without great injury to the discipline of the army."—He proceeded to state to the House the case of a serjeant Phillips of his regiment, who was once severely punished for the escape of a man who had deserted to the enemy with five hundred pounds belonging to the corps. The innocence of the serjeant was subsequently proved, and the moment he (General Tarleton) was apprised of this, he made him a serjeant of cavalry, and a braver soldier was never furnished by the British army, than he afterwards proved himself. In one action he received six wounds in his head, and succeeded in bringing safe a particular dispatch, with which he was charged. This case was sufficient to prove, that punishment did not so degrade a man that he could not afterwards distinguish himself in the service.—The hon. baronet had asked why officers were not flogged? he would answer, from their education it became unnecessary. Without discipline had been preserved, the army would never have obtained the glory they had gained; and the privates were better situated than any other army in the universe. He had heard much of the French discipline, but he liked nothing French, and it had been proved by the valour of the army, that the discipline of this country had the superiority. Under those considerations he was of opinion, that the proposition of the hon. baronet was inadmissible.

Sir *S. Romilly* said, he thought it his duty to support the motion; but in so doing he did not wish it to be supposed that he adopted all the opinions of the hon. baronet by whom it had been brought forward. Those opinions he had not heard: but he had been informed by some friends near him that they could not vote for the motion, because of the opinions by which it had been introduced. He should therefore vote for the motion on its own intrinsic merit. The real question was, whether flogging should be continued or abolished. For his own part he could have no hesitation in saying, that he thought it ought to be abolished. It was a most disgraceful and degrading mode of punishment, and it was impossible it should not have the effect of debasing the mind of the man on whom it was inflicted. But this was not all—what he more particularly objected to was, the excess to which the punishment was carried. He adverted to a case which he had seen published lately by a missionary, who had just arrived from the Cape of Good Hope, in which were related the sentences passed on two soldiers of our army there. One of them had deserted, and was sentenced to be shot, which was carried into immediate effect; and for this, the highest offence a soldier could be guilty of against the discipline of the army, he was sent out of the world in a moment. The other for some crime of much less magnitude was doomed to receive a thousand lashes; but when he had suffered 224, the surgeon represented he could not bear any more at that time. He was therefore remanded to prison till he should be able to receive the remainder; but such was the effect which in that climate was produced by this primary laceration of his flesh and his feelings, that he died in a few hours; and thus for the lesser crime of the two he suffered death aggravated by the pangs of the severest torture. Thus was a human being, for an offence which ought to have been visited with a mild punishment, sentenced to bear four times more than God had enabled him to endure. Who could deny that it would have been much better to have brought out the poor wretch and shot him at once? It was horrible to think of a man's receiving several hundred stripes given in the manner in which he had been informed this mode of punishment was generally administered. In his opinion, 100 lashes was a punishment of excessive and monstrous severity; and could not fail to excite in those who suffered it, a dissatisfaction with, and a contempt of themselves; in short, they must feel themselves incapable of afterwards entertaining any honourable feeling. He should be sorry to speak too warmly on the subject, but he totally differed in opinion from those who thought the discussion of the subject imprudent or impolitic. He was of opinion, on the contrary, that it had already been productive of very salutary consequences. If the arguments of the hon. baronet were such as had been represented to him, he totally disagreed with them; but he by no means could agree with the objection to the clause, because it was brought forward on the third reading of the Bill.

Digitized by Google

Lord *C. Somerset* was certain that the infliction of 224 lashes could not have caused the death of the man at the Cape of Good Hope of whom the hon. and learned gentleman had spoken. If in his punishment there had been any impropriety, he was sure there was a commander in chief there, who would report the case; and he was equally certain, that there was a commander in chief here, who would not pass it lightly over. He strongly opposed the clause, being firmly persuaded that corporal punishments were never inflicted in the army, but from necessity, and in mercy. Every other punishment had been tried without effect; and it was not possible to send soldiers to wait till the assizes for having made free with his comrades' necessaries, and for other minor offences for which this punishment was used. He should be glad if it could be dispensed with, but it was impossible to preserve discipline without it.

Mr. *Wilberforce* said, when he considered what a huge and multifarious body an army was, he should be afraid of adopting suddenly so material a change in what was deemed to be so essential to its discipline, on which depended entirely the management and government of it. He could wish, however, that corporal punishment might not be enforced but by the sentence of a general court-martial. He understood it was now thought to be less necessary than it was formerly; and it would, in his opinion, be safer and better if it were hereafter inflicted only on an average opinion of the officers, which he thought would have the effect of rendering this punishment less frequent.

General *Phipps* observed, that the sentences of general courts martial were more severe than those of others, and he had never heard any complaints against regimental courts martial. There would be great difficulty in most cases in obtaining officers enough to form a general court martial, so that the wishes of the hon. member for Yorkshire could not in that respect be complied with. With respect to the man who had been spoken of, he might have died after receiving 224 lashes, but they could not be the cause of his death. The surgeon present at the time they were inflicted was responsible for the number given, and would always interfere before the production of any fatal effect.

General *Porter* bore testimony to the leniency with which courts martial acted. He knew a man who had been corporally punished, who was now a captain, which proved that flogging was not a bar to advancement in the service. The discipline had been getting milder and milder ever since 1775 up to the present time. Within the last half year the punishments had been so few, that he had hardly thought it worth while to notice them in a regular way, in his reports to the Commander in Chief.

Mr. *Whitbread* said, he hoped he should not be induced to express himself warmly in consequence of what had fallen from the two last speakers. The hon. general who had just sat down had informed the House, that he had never seen this punishment inflicted but with the greatest leniency. On the contrary, he (Mr. W.) had heard general officers of the very first character and respectability, and of as long standing in the army as the last speaker, say otherwise. That hon. general, as well as the noble lord opposite (C. Somerset), had as much under-rated the severity of the punishments as it had perhaps been over-rated in other quarters, for which he was very sorry, as, when these statements of the hon. generals came to be made public, they might have a bad effect, and produce considerable indignation in the minds of those who had expressed their opinions on the subject in terms so widely different. When the hon. general on the opposite side of the House asserted, that it was impossible a man should *die* from receiving 224 lashes, he must differ from him in opinion; he had heard from very good authority many instances in which this had been the case. He did not mean to impeach the character of those officers who inflicted it: as long as it remained as the punishment for certain degrees of offence, they must do their duty in administering it. Notwithstanding the letter which had been read by the gallant general near him (general Tarleton) general Money had certainly published his pointed disapprobation of this punishment, and had said that desertion was the only crime for which it ought to be inflicted. He (Mr. W.) did not mean to say that the situation of the British soldier was in itself degrading, but he was certainly of opinion, this punishment was very degrading to the character of a British soldier. Was it known, that in every regiment there was a thief's cat, and that according to the manner in which the knots were tied, and their number, the

Digitized by Google

severity of the flogging was greatly increased? Was there not also a mode of prolonging punishment? These were the circumstances which constituted the degradation, as they rendered the soldiers liable to suffer by the caprice of their officers, who had the power to increase these knots, and to prolong the punishment. Discussion had done infinite good in this, as it did in every case. Some years ago, when this subject was brought into discussion, it was not denied, that the punishment did exist, and that very generally; but now it was declared to be the pride of several regiments, not to have such punishment attached to their discipline. There were no regiments now that boasted of being what were called "flogging regiments." He must again declare, he could not agree with the hon. general that a man could not die from receiving 224 lashes. He would, on the contrary, undertake to prove at the bar, that such had been the case. The repetition of punishment for the same offence was in his eye an act of wanton cruelty. He declared he was so great an enemy to this punishment that he would give it a death-blow, if he could, without thinking it at all necessary to find any substitute for it. In the case of torture, if he were asked what he would substitute for it, he would directly answer—"nothing." Torture ought not to be any where allowed; but if it had been so in this country, and there was a question as to abolishing it, he would disdain to point out a substitute for that which ought never to have for a moment been endured. On the grounds, therefore, which he had often before expressed, he would vote for the clause.

Colonel *Frankland* defended the present system, as greatly to be preferred to that of France, or any other country. He contended that imprisonment would not answer the end proposed, and that the best soldiers in the army would oppose that sort of punishment as useless to reclaim the negligent; and that they would prefer the present system.

Mr. *Herbert* of Kerry was an enemy to corporal punishment if it could be avoided, but experience had proved it to be necessary. All other modes of punishment had been resorted to without success, and he should therefore vote against the clause proposed to be introduced.

The question being loudly called for,

Sir *F. Burdett* rose.

The *Speaker*.—Sir F. Burdett, to exlain.

Sir *F. Burdett* said, he rose to reply to the arguments brought forward against his clause.

The *Speaker* observed that a reply was allowable only on an original motion.

Lord *Cochrane* hoped that by degrees this punishment might in time be abolished, but declared that it was impracticable to govern any large body of men without having the power of recourse to it. He believed, however, that much of the mischief as to this punishment of flogging, especially in the navy, had been caused by the influence of that House. Great parliamentary interest had enabled the first families in the kingdom to force their children into the service, who were too young to understand the authority entrusted to them. Many of them insisted on their decks being as clean and as shining as the floor of a drawing room in the summer season, and that their kitchen utensils should be scoured as bright as silver, with a variety of other useless and fantastic commands; and if such commands were not obeyed, they flogged severely those who had those articles in charge. The discipline of the navy depended on the commanding officer of each ship; and if they continued to flog for such offences the navy must soon go to ruin. It was going, he said, as fast as possible. Gentlemen might think otherwise, but he knew it to be true, and he was afraid they would all be convinced of it too soon. The family interest he had alluded to prevailed also to such a degree, that even the Lords of the Admiralty had lists made out; and when an officer went to offer his service, or to solicit promotion for services performed, he was asked—are you recommended by my lady this, or miss that, or madam t'other; and if he was not, he might as well have staid at home. He could not, however, vote for the motion. It would be better to look to those to whom power was trusted, than to take away the power of punishing altogether. If it were so taken away, it would ruin the service. The best men in the navy would say so, and if put to the vote among the sailors, he was sure the decision would be in favour of the present mode of punishment, but they would tell the Lords Commissioners of the Admiralty that they ought to be commanded by persons of experience, and not by young men appointed by parliamentary influence, or any other influence. He hoped he should see the practice of flogging

Digitized by Google

abolished, while the power of inflicting it was suffered to remain.

Mr. *Yorke* was almost in doubt, after what he had heard, whether the noble lord, as the debate had run to a considerable length, had not had a dream while it was going on. In the first instance, he had stated that the sailors were foolishly employed in cleaning the deck, &c.; that in consequence, frequent punishments were inflicted, and this through the appointment of young officers; and finally, he had spoken of a register being kept at the Admiralty for the recommendations of lords and ladies. In each instance the charge preferred was unfounded. He did not know where the noble lord had been since he left the service, nor where he gained his information, but there was no foundation for any one of his statements. He regretted that the noble lord had relinquished the command of one of the finest frigates in the service (why, he professed himself at a loss to tell), for employments in which he was by no means likely to prove so eminently useful to his country. With respect to the mode of promotion in the navy, he did not know of what time the noble lord was speaking —whether of the present or of the time of his own promotion. He did not know whether his promotion had been hastened in the way he had mentioned, but he had certainly been one of the youngest officers in the service. When however he was told in the navy that no person could rise to the rank of a lieutenant, till after six years service, nor till the party was 19 years of age, that after that, two years were necessary to raise him to the rank of commander, and one more then before he could be made a post captain; if he would put these together he would find that officers could not be promoted without having some experience. The punishments in the navy were not more frequent than formerly; but though in these particulars he was obliged to contradict the noble lord, he should agree with him in his vote. To lay aside that discipline by which we had risen to our present height, would be an act of political suicide and madness unparalleled even in this age of experiment.

Mr. *Kemp* expressed himself hostile to the abolition of corporal punishment.

The Bill was then read a third time, and passed.

Sir *F. Burdett* rose to propose his clause, in doing which he made a number of observations on the arguments adduced against it. With respect to the effects of corporal punishment, the hon. baronet desired the House to bear in mind, that eight men died of it at Gibraltar, and that officers were actually dismissed for refusing to inflict it. It was impossible to say what its consequences were in the West Indies and other hot climates. Whether the House would say that it ought to be done away altogether, or not, he was sure that many would agree that the crimes for which it was inflicted should be specified, and the extent to which it should be carried, and the instruments used for that purpose defined. He read the passage from Blackstone to which he had before referred; and contended that it could not be difficult to devise other modes of punishment by the privation of ordinary privileges and enjoyments. He should certainly take the sense of the House on his clause.

Mr. *Abercromby*, though he did not think it desirable to vote the abolition of the punishment altogether, thought it very proper to know the number of such punishments by courts-martial. It had been properly said by an hon. member (Mr. Wilberforce) that the House should have the means of judging what modifications might be enacted. He should therefore ask the Judge Advocate whether any serious inconvenience would occur, by giving a return of the number of punishments by regimental courts-martial, limiting it to the home service.

Mr. *Manners Sutton* would have no objection to lay this document before the House, but really the accounts of regimental courts-martial did not come officially before him. All he could say, was, that he understood generally that corporal punishments had decreased in regimental courts-martial.

The House then divided, when the numbers were, Noes 79, Ayes 6; Majority 73.

Penitentiary House Bill.] Mr. Holford moved the committal of this Bill.

Sir *S. Romilly* wished the commitment to be postponed. The subject was of very great importance; and he knew that several members, not present in the House, but professionally engaged in a distant part of the country, were very desirous of being present at the discussion. At any rate, he thought a Bill of such importance should not be discussed in a committee at that late hour.

Digitized by Google

Mr. *Holford* said, he only meant to move the commitment for the purpose of having the blanks filled up; and he intended afterwards to move the recommitment on Friday next.

Mr. *Abercromby* wondered that this time should be chosen for the commitment of the Bill, when so many persons, anxious to be present at the discussion, were necessarily absent. He was not aware that any such importance could be attached to the filling up the blanks as to require the House now to go into a committee; he therefore could not help concurring in opinion with his hon. and learned friend.

Mr. *Holme Sumner* thought the Bill should not be hurried through the House, without any documents of the probable expence which the erection of these houses might cost. He wished that a plan and estimates might be laid before them on this subject.

Mr. *Calvert* entertained great doubts of the propriety of establishing penitentiary houses. He thought that bringing together 5 or 600 of the worst characters of the country, was not the likeliest way of amending them.

Mr. *Long* thought it perfectly right that the plan of his hon. friend should be seen and understood, and saw no method more likely to have that effect than the suffering it to go to a committee, when the blanks might be filled up.

Mr. *Whitbread* said, there did not appear any objection to the filling up the blanks, but hoped that a longer time would be allowed to elapse before the Bill was carried through the remaining stages. It had been in their hands now for three weeks, but so many new clauses had been since added, that it was quite necessary that more time should be allowed for the purpose of perfectly understanding it.

Mr. Secretary *Ryder* said, that there certainly could be no objection to give sufficient opportunity to examine the provisions of the Bill; but he doubted whether the clauses which had been added were of a nature to require much consideration. The Bill had been already delayed too long, and if any obstacles were thrown in the way of its progress, nothing could be done in the course of the summer towards fulfilling its provisions.

The Bill was then committed, and the blanks filled up, after which the Report was brought up and ordered to be taken into further consideration on Friday.

HOUSE OF LORDS.

Monday, March 16.

STATE OF THE NATION.] Earl *Grosvenor* gave notice of his intention to submit to their lordships a motion for going into a committee on the State of the Nation. A motion of considerable importance was fixed for Thursday next, and one of still greater importance for the 10th of April, when the Petition of the Irish Catholics was to be brought under their consideration; of which petition, if the prayer was not granted, the consequence, he apprehended, would be little short of rebellion. He was inclined to wait the event of that discussion, before he came forward with his own motion; a motion which was loudly called for in the present discouraging and distressed situation of the country, and the disjointed and distracted state of the councils of government. He would not name any particular day, but content himself with the general notice, that he intended soon to submit a motion to their lordships on the State of the Nation.

PORTUGUESE SUBSIDY.] The order of the day having been read for taking into consideration the Prince Regent's Message relative to a subsidy to Portugal,

The Earl of *Liverpool* rose and said; I certainly, my lords, feel it unnecessary to take up your time, under the circumstances in which the present subject comes before us, at any length in discussing its merits. What the message of his royal highness the Prince Regent refers to, is a proposed continuance of that support and assistance that was afforded by parliament and the Prince Regent to Portugal in the last year. On such an occasion, my lords, I think there can be but one feeling in this House, which is, that as what has been so given to our faithful allies, who have stood so honourably and steadily by us, under the most arduous and difficult circumstances, was an aid not given in vain, but, on the contrary, has answered every purpose that was expected from it, we owe it to them and to ourselves to continue that assistance. On former occasions, your lordships may recollect, that the discussions of this subject principally turned on one point, namely, the practicability of the object for which the aid was afforded. No man, however, who looks to the state of the peninsula, and to the engagements of this country, but must be aware, that nothing is of more importance, or more affecting

Digitized by Google

(save the immediate defence of this country itself) to the vital interests of the British empire, than the defence of Portugal; I mean, more important for continental objects, provided it were practicable to act upon it. The question always must come, as to the practicability, or chance of the practicability of the object which we contend for. We now, my lords, have ample experience on this subject, and that experience leads to this conclusion—that the defence of Portugal, under lord Wellington, acting upon the principles of that great and distinguished officer, and supporting him in his great and various exertions, is an object practicable to the arms of this country. The next question refers to the subsidies, or support given that way for the maintenance of her forces, and the improvement of her military system, and the extent to which that object has been obtained, in creating the military assistance afforded by Portugal independent of the British armies.—And, upon this second object, I likewise say there can be no difference of sentiment. About two years ago, opinions were entertained in parliament, and even by officers who had served in that country, that it was impracticable to produce a Portuguese force capable of co-operating with a British power in the way we see it has done. To their own honour, some of the officers, to whom I allude, have been magnanimous enough to allow their mistake in that respect. But what, my lords, I ask, has been the result? Most fortunate for this country, most fortunate for Portugal, and most fortunate for all continental Europe, if her nations can be induced to awake from their stupor.—We have seen a Portuguese force established under the general direction of British officers; but I must accompany this by remarking, that much may be attributed in this respect to the exertions of Portuguese officers. We have seen a Portuguese force thus constituted, arise capable of meeting in action the most distinguished battalions of the French army, under its most able and veteran commanders, and under the most critical and trying circumstances. I speak upon the authority of the most able and intelligent officers. When these troops formerly signalised themselves in the defence of positions, the country was told that they might be very useful in such situations, but that if tried in the field they would deceive the expectations that had been formed of them. They have been tried in the field—and they have distinguished themselves. We have seen them at Barrosa intrepidly attacking a formidable force of the enemy, most advantageously posted, and defeating the flanks of that enemy. Upon that occasion, and upon every other, the Portuguese military proved itself equal to combating the proudest troops of France. I refer, my lords, to these leading considerations generally, feeling it would be a waste of your time to enter upon any particular details. These results, however, are established, that the defence of the kingdom of Portugal is practicable, and that the Portuguese government has aided most essentially in that defence. Under these circumstances, I cannot believe there exists a doubt in the mind of any man, that we are doing too much for an ancient ally—an ally always remarkable for the fidelity of her adherence to her engagements with Great Britain, and who, by her conduct under the particular circumstances of the case, presents an additional claim to our assistance and consideration. Your lordships are aware, that soon after the necessary retirement of the prince of that country, it was occupied by the French armies, and it may easily be conceived in what a state it must have been left with regard to its civil, military, and financial concerns after the French troops had withdrawn. It cannot be a matter of surprise that under such circumstances, the advantages since obtained, could not be achieved at once, but have been the result of perseverance and attention to the most minute details, and by strictly adhering to the system which circumstances rendered it necessary to introduce. However, I am rejoiced to say, that the exertions which had been made have been most effectual, and have been attended by results truly beneficial—so much so, that if the House think the subsidy of last year, and that which will be proposed in the present, are sufficient to cover even the military expenditure of Portugal, they are much mistaken. Independent of the 2,000,000*l.* which were voted last year, a sum of not less than 1,800,000*l.* has been furnished by the people of that country to support their military establishments—and, therefore, it must evidently be seen, that Great Britain is not affording resources to a people who are doing nothing for themselves. I will not detain the House longer than to move an Address in answer to the gracious Message of the Prince Regent. The

Digitized by Google

Address, as usual, was an echo of the Message.

Earl *Grosvenor* said, that there were one or two points of the noble Secretary's speech with respect to which he wished to say a few words. If he did not oppose the present motion, it was not because he was satisfied with the mode in which the war had been conducted in Spain by the disjointed and distracted government which had ruled this country for these five years past. He could not, however, but join in the praise which had been bestowed upon the military characters who had been employed in that war, and by whose meritorious exertions, an heroic spirit had been diffused throughout the whole army, and even among the Portuguese troops. But in what situation was the peninsula? What had been done after all the hopes that had been held out to this country? We were in possession of Portugal, after the convention of Cintra, when sir John Moore was ordered to advance into Spain with so very inadequate a force; and still we had hardly done any thing more than keep possession of it. France was still in possession of the capital of Spain, and of the best part of the country, in a military point of view. With an army of 100,000 men, British and Portuguese troops, as good as any in the world, led by a most skilful commander, what had been done? Would the country, under these circumstances be satisfied with the capture of a fortress, however gallant and important that exploit might be? The country, he was persuaded, would not be satisfied, looking to the magnitude of the force composed of British and Portuguese regular troops, aided by the guerillas, unless a great and powerful exertion was made, in order, if possible, at once to terminate the war, and destroy the power of Buonaparté in the peninsula. We had expended enormous sums in this contest; and though France had lost a great number of men, it was not to be concealed that we lost a considerable number also; and however obscure the situation of these men, they had still relations and friends to feel for their sufferings, and lament their fate. It was proper, then, in his opinion, if the war was to be continued, that some great effort should be made. With regard to the amount of the sum to be given, he could not help observing, that the Portuguese sufferers might have been relieved out of these two millions, or at least, that a sum should be retained out of it, equal to that which had been already subscribed for the Portuguese, in order to relieve the distresses of our manufacturers at home, who were almost reduced to despair by the obstinate perseverance of ministers in the absurd and ruinous policy of the Orders in Council. This might be the more readily done, too, since Portugal was now able, as the noble Secretary alleged, to do so much for herself. Upon the whole, considering the engagements by which the country was bound, and how far we were embarked, he did not think that our armies ought to be withdrawn from the peninsula; but, on the contrary, that the war there ought to be prosecuted with the utmost vigour, provided there appeared any rational chance of ultimate success. If, as had been alleged, the universal Spanish nation was with us, much might yet be done. If they wished for our aid, and would cordially co-operate for their own defence, the most favourable results might be expected. But if they did not wish for our aid,—if they would not co-operate, but were prepared to submit and give up the contest in despair,—if they were ready to bow their necks to the yoke of the conqueror, it was useless for us to expect success. It ought to be observed, also, that if France should have to employ her armies elsewhere, an opportunity would be afforded for making a great effort which ought not to be neglected.

The Earl of *Darnley* was decidedly of opinion, that the country was pledged to assist the Portuguese, and that, if that assistance were refused, the national faith would be compromised. He would not, therefore, oppose the vote: at the same time, he was far from being satisfied with the mode in which ministers carried on the peninsular war.

The motion was then agreed to, *nemine dissentiente.*

HOUSE OF COMMONS.

Monday, March 16.

PORTUGUESE SUBSIDY.] The Prince Regent's Message respecting Portugal having been referred to a committee of supply, the House resolved itself into the said committee.

Lord *Castlereagh*, in rising to submit to the House a motion on the subject, did not feel that it would be necessary for him to trespass on their patience at any considerable length; or to adduce many argu-

Digitized by Google

ments to shew the expediency of affording that assistance to Portugal at the present moment, which had been sanctioned by the approbation of parliament, at former periods, when the advantages attendant upon it were by no means equally evident. Indeed the question appeared to him to be drawn into such a narrow compass, that it was scarcely possible for any one to doubt the principle of expediency on which the proposed grant rested, unless one of the following propositions was affirmed, viz. that it was so fundamentally wrong to subsidize any foreign power, that no application of that nature ought to be made to parliament; or that the state of the war in the peninsula was such, that, notwithstanding the treaties by which the two countries were so closely united, notwithstanding the glorious successes of our arms, and notwithstanding the solemn faith which parliament had so repeatedly pledged on the subject, no further exertion should be made by Great Britain, but that Spain and Portugal should be left to the dreadful fate which awaited them. Unless one of these two grounds was taken, he confessed himself wholly at a loss to conceive how the present proposition could be opposed. It was far from his wish to re-agitate those topics which at former periods had given rise to such controversy. It was unnecessary to recur to those topics, in order to sustain the motion with which he should conclude. Nor would it be politic to recur to them; for he was persuaded, that if the committee should agree with him in thinking that the same pecuniary support ought to be extended to Portugal as was given in the last session, they would also agree with him in thinking that it ought to be done with as much unanimity as possible; for whatever differences of opinion might have existed in parliament at a time when the experiment of assisting Portugal had not been tried, now that it had been tried and proved successful, he trusted that a general disposition would ultimately be manifested to mark by an unanimous vote, the approbation with which the British parliament regarded the exertions of the Portuguese in the common cause, and the fidelity which they had manifested under those numerous circumstances of extreme peril and difficulty, to which the various fortunes of the war had necessarily exposed them. Without, therefore, dwelling at any length on the topics to which he had alluded, he would just call to the recollection of the committee, that when the principle of the present proposition was broached two years ago, a great disposition existed in parliament to doubt whether any military exertions which it might lend occasionally to Portugal, could be ultimately successful. Many gentlemen of high military character seemed inclined to believe that the Portuguese army, which it was the object of that proposition to raise and subsidise, could never be brought into such a state of discipline, as to render it efficiently serviceable. The division on that occasion exhibited a strong feeling in the minds of a great number of hon. gentlemen, that the encouragement in a military point of view held out by the proposition, was by no means adequate to the expence of it. Those, however, who enjoyed more intimate means of judging of the probable result, pressed the vote upon the House; it was passed; and in the course of the year the efforts made in Portugal in consequence were such, that in the next session of parliament, even those who had opposed the proposition in the first instance, candidly allowed, that it had been productive of the most advantageous results. Accordingly when the proposition was again brought forward, those who had voted against it in the first instance, abstained from a repetition of that vote; representing, however, at the same time, that although they admitted that the measure had produced great advantage; yet that after all, the efforts of the combined British and Portuguese armies had ended only in shutting them up in the lines of Cintra, and leaving the enemy in possession of the remainder of Portugal. At least the committee would feel that this obstacle to an unanimous expression of sentiment was removed; for the vote of the last session had enabled lord Wellington to drive the enemy over the frontier, and expel them wholly from Portugal. Parliament therefore was now called upon to contemplate a system, not which might lead, but which actually had led to the most brilliant success. The committee, in coming to the consideration of the present Resolution, would be divested of all those difficulties which had heretofore existed on the subject. He would, however, make a few observations on the principle upon which the present proposition rested. If ever there was a question of subsidy which could be maintained on sound, legitimate, and justifiable grounds, it was this. In the first place, it was subsidising a power

Digitized by Google

with which we were connected by a kind of natural feeling. Indeed, it could hardly be considered in the light of a subsidy; for the measure afforded such effectual aid to the British army, charged as that army was with important operations, comprehending our own essential interests, that the money might with propriety be voted on that view of the subject alone, and without any particular reference to Portugal, for it was impossible not to admit, that all those splendid exertions of lord Wellington would have fallen very short of their existing extent, had that noble lord been deprived of the support of that part of the army which had arisen out of the liberal policy on which the present proposition was founded. That such was the true character of the Portuguese army was felt by the enemy at Busaco, who considered it as British, and attributed it to lord Wellington as a stratagem of war, that for the purpose of alluring an attack, he had clothed the British soldiers in the Portuguese uniform. Another ground for granting this sum was, that it would be applied and administered under the inspection of British officers. Never had any subsidy been afforded, for the faithful application of which such complete security existed as this to the government of Portugal. There was another view to be taken of the subject. This was not money granted to Portugal in exoneration of any charges which she might fairly be expected to bear herself. The government of Great Britain had frequently on former occasions been accused of thus unnecessarily subsidising foreign powers. But this remark was not applicable to Portugal. It was a satisfactory and interesting fact, and one which he was sure the committee would learn with pleasure, that such had been the financial exertions of Portugal, that at the present moment, after all the efforts of the war, after the country had been in the temporary possession of the enemy, and had been drained even by that temporary possession, the revenue of Portugal, applicable to the prosecution of the war, was at a higher point than before the commencement of the contest. The Portuguese government was in the actual collection of a greater revenue, and cherished hopes that by measures now in progress, that revenue would be considerably increased. They came to the British parliament only to assist them in making those exertions adequate to the great cause in which the two countries were so deeply interested. On the whole, therefore, he trusted that although there might be ground for doubting the expediency of such a proposition as the present, when originally made, yet as the experience of the two last years had completely disproved the soundness of those apprehensions, the committee would, by an unanimous decision, mark the feeling of respect which they entertained for the exertions, and for the fidelity of Portugal; for it was a proud circumstance for that country, that when it was overrun for a time by the enemy—when the British army, actuated by motives of profound military policy, retired to Torres Vedras that they might again advance with greater effect—the faith of the Portuguese remained inviolate; there was not the most momentary adherence on their part to the enemy; they submitted to all the military inflictions which their firmness occasioned; they bore the devastation of their country without repining; and in no single instance were they false to the common interest. The noble lord concluded by moving the following Resolution: "That it is the opinion of this committee, that a sum not exceeding two millions, be granted to his Majesty, to enable him to continue to maintain in his pay a body of Portuguese Troops, and to give such further aid and assistance to the government of Portugal as the nature of the contest in which his Majesty is engaged, may appear to him to require."

Mr. *Fremantle* denied that the noble lord had satisfied his mind with respect to the propriety of the proposed grant. The noble lord had adverted not to the general state of the war, but to the particular state of Portugal. To all that the noble lord had said in praise of the exertions of Portugal, he heartily subscribed. But he could not allow an additional burden of two millions to be imposed upon the country, without bringing back to the recollection of the committee the original object, for the attainment of which this grant was in the first instance voted. That object had failed, and therefore to continue such grants, was merely to persevere in a system of lavish expenditure, from which no satisfactory result could be expected. When the first grant of this nature was proposed, it was to afford British aid towards rescuing Spain from the gripe of France. At that time he concurred most cordially with the whole country in the effort. But four years have elapsed, and

Digitized by Google

not an inch of ground having been gained, he had a right to alter his opinion on the subject. So far were we from having emancipated Spain, that we had not a single man there, nor could we entertain a rational prospect of making any impression on the enemy in that quarter. He put it to the committee, whether if four years ago the merely remaining in Portugal had been described as the ultimate object of our efforts, the proposition to make those efforts would have been received with that acclamation and support which actually accompanied it? In objecting to the present motion, he felt that he trod on ground not most popular just then, of course he should have to contend with the gentlemen opposite; he should also have to contend with many with whom he was in the general habit of political accordance. But so strong was his conviction on the subject, that he felt it imperative upon him to express his opinion. He had patiently listened to every argument and opinion connected with it, both in parliament, and in private society, but hitherto no one had been able to persuade him that, under the present circumstances, Great Britain ought to persevere in a system so lavish, that it must eventually lead to her utter destruction. It was on the ground of expence, that he argued against the motion. We had failed in every effort which we had made to drive the enemy from Spain. We had failed, not from any want of courage in our troops, not from any want of skill in our officers, but from a want of co-operation on the part of the Spaniards, from a want of that assistance which we expected from them, and which we had a right to expect. In the present state of the committee he would not enter into any details of the war in the peninsula: but he would implore them to pause before they fruitlessly expended two millions of the public money. Let them consider, that two millions was near one-sixth of the produce of the Income Tax. Let them look at the enormous expenditure of the country, and endeavour to devise the means of diminishing, rather than of augmenting it. The present annual expenditure of Great Britain amounted to nearly 100 millions! He would defy any minister to maintain the present expenditure of the country, with resources so diminished, and the trade and commerce similarly circumstanced. He need only refer the right hon. gentleman to what he had stated last year, when proposing a subsidy for Portugal—when at the same time there was a petition from the manufacturers, complaining of the decay of trade, and praying some relief. On that occasion, the right hon. gentleman had said, that it was impossible to afford the relief prayed for, until Buonaparté had altered his prohibitory decrees. Since then the ruler of France had encreased them, and therefore the situation of the country in that respect was worse. Under these circumstances he should most earnestly recommend to the House to adopt economy—to diminish the expenditure, and make it more commensurate with the means of the country. The noble lord had stated that the revenue of Portugal was materially improved since the former subsidy was voted by parliament. If so, she had no right whatever to call upon Great Britain for further aid; the increase of the revenue of Portugal ought to be applied to the maintenance of her army, especially as our revenue was on the decline. If England was menaced with a foreign invasion, would Englishmen, he would ask, condescend to receive pay for carrying muskets in defence of their liberties and of their country? The fact was so with the Portuguese, for the subsidy was granted for the express purpose of assisting them in defence of their own country (Hear, hear!) Gentlemen might exclaim, but he wished they could contradict him. He would state a few facts in detail of the expences of our army in that quarter. At this moment, it must be admitted, on all hands, that the extent of it was not under 50,000 men at least available for service—the expence of the establishment of mules employed in carrying stores, &c. was not less than 4,000*l.* per diem, and this he could prove, if necessary. Each horse cost this country 5*s.* per day, besides the provision for the cavalry, which was imported from America into Lisbon, and thence transported to the army, and their horses were expected to be furnished from this country. The expence of transporting the heavy ordnance from Oporto to Ciudad Rodrigo cost this country 20,000*l.* With respect to keeping up the force we had in the peninsula, our means were not adequate to the effort, for the militia regiments were called on to supply their quotas for the line, and many of the militia regiments were not complete, for some of the counties could not afford a ballot. There was no chance therefore of deriving assistance again from that source. It was impracticable to keep up the cavalry

Digitized by Google

regiments; he could affirm, that one regiment, which at the end of the year 1808 was complete, consisting of eight troops, containing 640 men and horses, landed in Portugal, was now reduced, though it had been recruited five times since that time, to 480 men, and when in the field could not muster more than 400 men. Indeed he might say of all, 'Exeunt disce omnes!' In recommending economy, he did not mean that our armies should be withdrawn, or that at the first charge the country should surrender at discretion. His only object was to induce the House to look at the situation of this country, and by its conduct prevent the furtherance of what he must deem a ruinous system, carried on in a country where so fair a prospect was not now presented as at the commencement of the contest. (Hear, hear!) The right hon. gentleman might exclaim again, but that was his opinion; and therefore he could not avoid recommending the adoption of measures more conducive to the security of the empire, and upon a scale more consistent with its resources.

The Hon. Mr. *Ward* said, that he was one of those who originally thought that we should not have entered as principals into the war in the peninsula; he still thought so, but he conceived that there was a great difference between such an opinion and that which he might entertain after that war had been so commenced, and continued for years. Whether they should have entered into it on the scale they had done, and whether they should now abandon it, were quite different questions; for the policy of abandoning it might be a great deal worse than the policy which induced us to commence it. He could not agree with his hon. friend who spoke last; for in the system which he recommended, though he said he would not abandon the war, yet his opinions would lead him to starve it. That would, indeed, be carrying on the war so as to be burdensome, while at the same time it afforded no probability of succeeding in any one object of it. Though he still thought it would have been wiser to have acted differently, yet it should be recollected, that there was nothing so disgraceful to the character of a great nation as a changeable vacillating policy. It often happened in the concerns of nations, that it was better to pursue a course which was not in the first instance rightly selected, than to give it up altogether, after following it for a considerable time. If we now abandoned it, or did what was almost the same thing, starved it, and if we thus suffered the French to gain nearly all their objects, what would any statesman say —what would all Europe say to our conduct? They might say that when we were unsuccessful,—when we were defeated in our objects,—when our gallant general was slain, then we were disposed to continue the war; but that now, when we had obtained brilliant successes, —when we had secured our position in the peninsula,—when our armies were commanded by one of the greatest generals of modern times; now, a new light had broken in upon us; now, we found that we could not afford to continue the means of farther success; now, we felt ourselves indisposed to grant the necessary succours to our allies! His hon. friend thought it discreditable to the Portuguese character to be paid by England. But what was the fact? The Portuguese had first done all that was in their power, and then they received our assistance to make still greater efforts. His hon. friend said, that we, in England, would not think of being paid by another nation for defending ourselves. God forbid that such an event should ever happen as to drive us to a question of such a nature! Should the necessity of defending ourselves in our own land occur, we should, doubtless, perform all that lay within the compass of our own ability; and he trusted that we should feel no necessity to resort to the supplies of other governments. But really he could discern nothing disgraceful in the conduct of the Portuguese, who, without the financial means of exerting all their powers, and calling forth all their own resources, received the pecuniary assistance of their allies in a common cause. What they had done, had been the practice of some of the greatest states in Europe: several instances of which, he imagined, his hon. friend approved of. What had been the case respecting our allies during the whole of the war for near twenty years? Was it ever said, that the emperor of Germany was a disgraced person because he accepted pecuniary loans and subsidies from this country, to enable him to send his armies into the field? But if affording pecuniary aid to Portugal were expedient, and justifiable on the score of policy, it was yet much more so at present, on the

Digitized by Google

ground of honour. In fact, we were pledged as strongly as we could be to assist Portugal; and she had done nothing lately to forfeit the fulfilment of our promises of support; he meant not that hollow, niggardly, illusive support that some recommended; but a real, efficient, and vigorous assistance. With regard to Spain, he thought that if she had ever deserved our aid, she deserved it peculiarly at the present time; for she had lately endeavoured to increase her own means of resistance, especially in her abolition of a weak and execrable government. He was not however disposed to deny that the time might come, when this question would appear under a very different aspect,—when we might find ourselves pressed by domestic difficulties, which would render it advisable to husband our resources with the utmost economy; and he would fairly own, that he was not altogether free from apprehensions on that subject. The time might possibly arrive sooner than most persons expected. Yet he must maintain upon every consideration, whether of national policy, or of public honour, that if we should deem it proper to abandon the vigorous prosecution of the war in the peninsula, we ought to do so slowly and reluctantly. Such a measure ought, in his mind, to be the result only of well weighing, and duly estimating whether we were really unable to persevere in that war. We ought to look around us carefully, and examine what other branch of expenditure we could retrench or give up, rather than for the sake of the cost to abandon the defence of our allies. Thus much he felt himself bound to say, because he certainly thought, and had before said, that in the commencement, it would have been better policy for us not to commit ourselves so far, as principals in the war. But when he heard gentlemen argue in favour of stopping the career in which we had been engaged for several years, and to which we were now so strongly pledged, he must declare, that he could not bear such sentiments without stating, as he had done, his opinion on the present state of the policy and honour of this country.

Colonel *Dillon* entertained similar sentiments with his hon. friend who had just spoken, and was disposed to give credit to ministers, and to the noble earl at the head of the army in the peninsula, for the conduct of the war. He was, however, sorry to be obliged to withhold his praise from the course originally pursued by government in respect to the affairs of Spain. If proper exertions had been made at the commencement of the contest, different results would have ensued. They ought to have insisted on the adoption of those measures since pursued by the present government in Spain; such as calling together the Cortes, and using other means of strengthening themselves against the enemy. He trusted that greater cordiality would subsist than with the Central Junta, and in that event he hoped that before long the most favourable results would occur.

Sir *T. Turton* observed, that if the principle were to be admitted that they were not to consider the existing state of their own finances, it might be fairly enough said, that they ought not to consider the amount of the proposed vote. As he viewed the matter, however, he thought they ought to take into consideration the means which this country possessed, and the object to which it was proposed that those means should be directed. He fancied, when he heard the noble lord speak of the taking of Ciudad Rodrigo, that he was riding the horse of the war minister, and had forgotten that he held now another office. With all his Quixotic notions, the noble lord surely could not mean to say, that there was any great success to be anticipated by taking that fortress,—that could not be his serious meaning. It was one of our worst symptoms, that the tone of the country and of that House was so changed. This he attributed to the vast increase of our military establishments; but that consideration should not deter him, any more than it ought any other member, from discharging his duty. He was surprised to hear it said that economizing was starving our operations. Was there no difference between hesitating at a vote of two millions and abandoning the war? Was there no middle way of proceeding? For his own part, he protested against its abandonment; but an hon. gentleman who spoke with much ability the other night (Mr. Robinson), as well as others, were obliged to maintain their arguments always by the presumption, that those who objected to expenditure were advocates for total abandonment. The vote was asked for the peculiar defence of Portugal. If the Portuguese really could not pay their own men, but yet would do all they could to raise them, he did not say that we should deny them any assist-

Digitized by Google

ance; but it was the object of his motion lately, to acquire a knowledge of the facts. This became more necessary when a sum of two millions was in question. There seemed to be an apprehension of unpopularity in speaking of economy in the conduct of the war, but no man should be deterred by that consideration. He had often perhaps been very unpopular in his opinions, but that should not prevent him from maintaining them.

Lord *Cochrane* considered Portugal to be defensible against the French arms chiefly at the lines of Torres Vedras, which were so strong as not to require so great an army as we had there, and which gave us a free communication with the sea, whereas our operations were conducted on a much more extensive scale between Ciudad Rodrigo and Badajoz, places which, if we got possession of them both, were not tenable, unless we had a military force perfectly capable of coping with the French forces in the open field. Both these places stood on plains: and the French, it should be recollected, were much superior to us in the number of their cavalry, and often had brought a much larger general force into the field. The war would be much less expensive, were the lines of Torres Vedras considered as the true defence of Portugal; by which means, instead of our keeping 60 or 70,000 men in Portugal, comparatively idle, or at least not in a state of military activity, we might detach just now, as we might have done before, a portion of our army to Cadiz, and raise the blockade of that city. A small portion of our army might also be sent to Catalonia, where they might reverse all the successes of the enemy: and we might act all along the margin of the Mediterranean with the best effect. There were numerous small forts on the coast which we might get possession of, and thereby command all the neighbouring country. We might have done much on the whole eastern side of Spain, at Valencia particularly, and might probably retake Barcelona. All this was not only useful but practicable at a much smaller expence than our present system. Thus we might have constantly checked and counteracted the objects of the French. This suggestion he did not make as his own. It had been the recommendation of others, as well as his, and seemed to be obvious to any body. For the principles on which it was founded, he had the advantage of great authority, which he quoted. He declared that he saw nothing in the war to occasion our despair, if we conducted it on principles by which we might be enabled entirely to clear the sea coast, and have, at the same time, a large proportion of our army now in Portugal, disposable at home or elsewhere, for such objects as we desired to obtain. The vote for the two millions might, if applicable to these views, prove very beneficial: for no service could be more important than to sweep the French, as we might do, with one effort, from the neighbourhood of Cadiz, and clear the whole Mediterranean coast from their intrusion.

The resolution was then put and carried *nemine contradicente.*

PLYMOUTH BREAKWATER.] Mr. *Yorke* rose to propose a resolution for granting the sum of 80,000*l.* on account of the intended Breakwater in Plymouth Sound. The right hon. gentleman observed, that he should propose to vote the sum in the first instance for the better protection of his Majesty's ships in harbour, trusting that as the papers on the subject had been long on the table, they were fully known to gentlemen. The two principal points upon which he claimed attention were, in the first place, to ascertain whether it was expedient and necessary to do any thing in Plymouth Sound; and secondly, whether the plan on the table was the most beneficial. As to the first point, every gentleman who had turned his mind to, or was acquainted with the naval service, must conclude that the western ports and roadsteads were highly deserving of consideration. No doubt the naval service was the most popular, and that House naturally looked to it with a sort of affectionate regard, which the nature of the service generally assured, though he was one of those who was not disposed to think that service the only one to which the country was indebted for its protection, yet it was the most material part of its defence. The greater part of the world placed dependence on the British flag for protection; a flag which had carried the glory of their country to its highest pitch. The House, however, would not be justified in entering blindly into a proposition of the nature he was about to bring forward, without due consideration of its principles. The ports and arsenals of the navy were capable of great improvement, and when it was considered that the skill and courage of the navy were carried to

Digitized by Google

the pitch of greatness he had just stated, it might be desirable, as affecting the safety of that navy, that the civil improvements should be attended to, and it might be worthy of consideration to inquire into the state of all the ports. He would, however, confine himself more particularly to the Western ports. For many years past, Plymouth Sound had been found to be the most magnificent arsenal for the rendezvous of ships of the line, but the Hamoaze for the last 20 years had not been judged so safe for ships of the line to anchor in. During the summer months there was some little security, but not for large fleets at any season. At the breaking out of the American war, in 1778, the fleet under admiral Keppel anchored here so late as the middle of October. Subsequent to 1790, not a ship of the line had been enabled to anchor there; they were obliged to go into Cawsand Bay, that part of the roadstead being a better shelter from the winds. It was, notwithstanding, a more confined anchorage, and open to tempestuous seas; the consequence was, that our fleets were compelled to use Torbay and Falmouth. If an adequate protection could be given to Plymouth Sound, he should be justified by every naval man present in saying, that it would be preferable to either Torbay or Falmouth. Though Torbay was a noble anchorage, yet in 1795, when lord Howe's fleet anchored there, they were caught by an easterly wind, which did some damage, and the greater part were in considerable danger. If gentlemen would look at the chart, supposing proper shelter was afforded in Plymouth Sound, they would perceive that the facilities in sailing from it with an easterly wind would be greater than from any of the western ports. Another advantage would be the opportunity of being prepared for the enemy's fleet. It was true, that at present the enemy had no fleet at Brest, but the House would not therefore suppose that at some future time that most important port of France might not have to boast of a fleet. At present there was but one solitary ship of the line in the harbour; there might be at some future time 25 or 30 ships, as formerly. If it would be proper to make Plymouth Sound a safe harbour, why not do it now, in order to be prepared in the event of the enemy having a fleet at Brest? Another great object was, to save as much as possible, the wear and tear of the ships. With these views it would be desirable to make it a place of safety for the western fleet. The question was now, whether the mode suggested for improving the harbour was the best? The committee would be aware that the idea was not modern. A variety of plans had been suggested. In 1806, lord Howick had directed the plan of Mr. Rennie to be taken into consideration, and persons were appointed to survey the Sound, and report upon the practicability of carrying the plan into execution. The result of the investigation was, the proposal of a Breakwater, leaving open a passage to the East and West, to cover not more than three nautical miles; the extent of the Breakwater to be something more than one mile; the depth of the water would not be great, not more than between 28 and 30 feet, sufficient however for receiving any ship of the line. The opinion of Mr. Jackson, the present Master Attendant of Plymouth Yard, was, that the water would be of depth sufficient for thirty-six ships of the line; but supposing that not more than fifteen or twenty were safe moored under this proposed shelter, it would be a great gain to the country. The estimated expence of the whole of the works would be about 1,500,000*l.* That sum would be soon repaid in the saving which would arise in the fitting out of ships. With respect to the plan, it was proposed to form the Breakwater upon shoals now very dangerous, as the Shovel and Carlos Rocks, which do harm to the Sound. In proceeding on the works there would be no speculation, for it was well known what had been done at Cherbourg, similar, in many respects, to the present plan. It was first proposed by M. Vauban after the battle of La Hogue, but was not carried into effect till the year 1785. The situation of Cherbourg was different from Plymouth Sound, for it was exposed to the most tempestuous weather, with great rapidity of tides. It was proposed to sink a few cones, but that not succeeding, they had recourse to stones, and the works were completed in that manner. It was carried in extent two miles and three quarters in between nine and ten fathoms water, and now afforded complete shelter for the enemy's ships of the line, in all weathers. If, therefore, the works were completed at Cherbourg, why might they not be completed at Plymouth Sound, where the facilities were greater, the proposed road not being more than one mile, whereas the French road was two miles and three quarters; the shoals at

Digitized by Google

Plymouth not being more than from 14 to 15 feet, and between 5 and 6 fathoms water. The probability of the success of the undertaking being so great, and the advantages likely to result so beneficial to the country, he trusted there could be no objection to the proposition. The right hon. gentleman then moved, "That a sum not exceeding 80,000*l.* be granted for the purchase of quarries, and to carry on the works in Plymouth Sound, in order to form a Breakwater."

The motion was agreed to.

LOCAL MILITIA BILL.] On the third reading of this Bill,

Sir *F. Burdett* wished to propose a clause to prevent the infliction of the punishment of flogging in the Local Militia.

The *Speaker* apprehended it was too late to introduce a clause, but the hon. baronet could move an amendment to any clause he might object to, and doing so, he would have an opportunity of making any remarks he might wish to offer.

Sir *F. Burdett*, in consequence of this suggestion, arose to offer an amendment. He prefaced his motion with a few remarks on the impropriety of resorting to the punishment of flogging. Adverting to the case of Mr. Taylor, to which he had alluded last year, he maintained that what he then stated was correct, and that subsequent information had satisfied him that Mr. Taylor was a man of excellent character, of good education, and considerable talents. Education had been recently spoken of as likely to tend to the abolishing of flogging, but here was an instance from which a different inference might be drawn, as Mr. Taylor's education had led him to write that song for which he was punished. He then noticed what had taken place at the isle of Ely, where, on account of a squabble between the officers and men about the marching guinea, to which the latter thought they were entitled, their conduct had been said to be mutinous, and a number of these young men who had but just put off their smock frocks, had been sentenced to receive 500 lashes. He would ask, if such punishment was not out of all character? and since there were persons who seemed to resort to it with such alacrity, it seemed to him highly expedient to prevent its being inflicted. This was the more necessary as the country were likely to be called out, and it was too much that the punishment of flogging should be inflicted on our entire population. He concluded by moving, that to that part of the act extending in case of invasion, the provisions of the Articles of War to the Local Militia, the following words be added: "Except so far as shall extend to inflicting the punishment of flogging, which shall in no case be inflicted on any officer, private, or drummer, serving in the Local Militia."

Mr. *Goulbourne* opposed the motion. The hon. baronet, by the amendment he had moved, would exempt the Local Militia from the regular discipline of the army, at a time when they were called upon to act as a regular army, while he left them exposed to the punishment of flogging, during their being raised and trained. The cases to which he had adverted, of Mr. Taylor and the men at the isle of Ely, were cases in which punishment was imperiously called for, and in which it had been inflicted with justice and moderation, as he believed would be admitted by the parties themselves; an acknowledgment of the justice of his sentence could be produced in the hand-writing of Mr. Taylor.

Colonel *Wood* said it was believed in this country that corporal punishment was not inflicted in the French service. He, however, had to state, that one of their books had fallen into the hands of a division of our army, at the battle of Fuentes d'Honore, which contained the proceedings of their court martials, from which it appeared, that within a very short time, 320 men, chiefly deserters, had been sentenced to death. Not only in such cases was the offender put to death, but his parents might be imprisoned for six months, and those who had harboured him were fined 1,500 francs. The book was afterwards lost; but he was authorised by an officer to state what he had advanced, and if it were necessary, he was at liberty to mention the name of his author; and at the same time to say that if another book of that description fell into our hands, care would be taken of it, that gentlemen might see it and make their own comments.

Mr. *W. Smith* was of opinion that the argument to be deduced from the circumstance last mentioned cut quite the other way, as it shewed that even a capital punishment was more tolerable to the French army, than that of flogging.

Mr. *Giddy* objected to a relaxation of discipline, though he thought severity of punishment in the Local Militia would be best avoided.

Digitized by Google

Mr. *Whitbread* supported the amendment, and contended that the abolition of flogging would tend not to relax, but to improve the discipline of the army. As to the book which they had been told was found, and afterwards lost, and which was to be taken such care of if found again, and for which he supposed the right hon. the Chancellor of the Exchequer would advertise, offering large sums for its production, as he had done for another celebrated book (the Delicate Investigation) on a former occasion, it seemed after all to make against his argument, as it turned out that there was no proof of corporal punishment being inflicted in the French service, to prove which it was brought forward.

Mr. *Herbert*, of Kerry, said a few words in support of the original clause.

Lord *Palmerston* was of opinion, that if corporal punishment was considered necessary in any part of the army, it was equally so in the Local Militia.

Admiral *Harvey* said, that to his knowledge, the French prisoners at Gibraltar had borrowed our cats to flog their own people.

Mr. *H. Thornton* professed himself to be adverse to the infliction of corporal punishment in the Local Militia.

Mr. *C. W. Wynn* wished that some clause had been introduced which would direct a reference to the Secretary of State, previous to the infliction of corporal punishment. He did not know, at the same time, how to vote with the hon. baronet, as he conceived a case might arise to make corporal punishment necessary.

The Amendment was negatived without a division, and the Bill passed.

BILL RESPECTING MEMBERS WHO BECOME BANKRUPTS.] Mr. *Thompson* moved for leave to bring in a Bill for declaring the seats of members, who should become bankrupt, vacant after a limited time. He did not think it necessary to preface his motion with any long speech. It was quite right, he thought, that a beggar should not be a member of that House. Its dignity and independence required that some measure of the nature of the present motion should be adopted. His Bill only went to assimilate the law of England to that now existing in Ireland. If an Irish member became bankrupt, his seat became vacant in six months after his bankruptcy, unless he produced a certificate from the commissioners. He did not know why English members should have privileges to which the Irish were not entitled.

Mr. *Baring* was of opinion that the preferable mode of proceeding would be for the House, in the first instance, to go into a committee to enquire into the privileges of members. He thought that adopting this measure at once would be to pass, in the public opinion, a great stigma on bankrupts, which, in the present state of the country, he could not think was altogether proper.

Mr. *C. W. Wynn* approved of the proposed measure, though the period of six months might not be sufficient in many cases to enable a correct idea to be formed as to the state of the bankrupt's affairs. He was, however, a friend to the measure, and thought that the publicity attendant on bankruptcy was one strong reason for the House adopting it.

Mr. *Lockhart* also approved of the measure.

The question was then put, and leave given to bring in the Bill.

Digitized by Google

INDEX

TO VOL. XXI.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

America; Dispute with, 825

Distillery Bill, 490
Drury Lane Theatre Bill, 1075, 1210

Finances of the Country; State of, 73, 686
Frame Work Bill, 964, 1077, 1166

Insolvent Debtors, 684
Ireland, State of, 71, 408
Ireland; Roman Catholics of, 222

King's Household Bill, 689

Licence Trade, 1209

Lords Commissioners' Speech at the Opening of the Session, 1

Nottingham Riots, 602

Offices in Reversion, 805
Orders in Council, 685, 1041

Portuguese Subsidy, 1294
Prince Regent's Message respecting Lord Wellington, 855
Prince Regent's Letter to the Duke of York, respecting Lords Grey and Grenville, 1250
Protest against the Frame Work Bill, 1084

Report of the Committee appointed to examine the King's Physicians, 73
Roman Catholics of Ireland, 282

Spain and her Colonies, 15
State of the Nation, 1294

Vote of Thanks to Lord Minto, &c. for the Conquest of the Islands of Bourbon and Mauritius, and for the Operations in the Island of Java, 126
Vote of Thanks to Lord Wellington, &c. for the Capture of Ciudad Rodrigo, 708

Wellington, Lord; Prince Regent's Message respecting, 855
Wellington, Earl of; his Annuity, 1168

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Address proposed by Sir F. Burdett, in Answer to the Lords Commissioners' Speech at the Opening of the Session, 25
America; Dispute with, 762
American Loyalists; Petition of, 281, 801
Army Estimates, 893

Bankers' Embezzlement Bill, 943, 1214
Bankrupts; Motion respecting Members becoming, 478
Barbadoes; Petition from, respecting the Sugar Trade, 278
Bertie, Admiral; his Answer to the Vote of Thanks, 234
Blake, General; his Answer to the Vote of Thanks for the Battle of Albuera, 16

Caithness; Petition from, respecting Reform of Parliament, 376
Cambridge, Duke of; Motion for his Letter to the Commander in Chief, 294
Chancery Clerks' Petition, 292
Chancery; Committee appointed respecting Suits in, 963
Charitable Donations Bill, 108
Civil List Revenue, 713, 749
Cole, Major General; Thanks of the House given to him, 492
Commercial Licences, 842, 979, 1092
Consolidated Fund, 109
Convicts Discharged on Entering the Army or Navy; Motion respecting, 1253
Corn Intercourse Act, 751
Cort, Mr.; his Petition, 329
Crauford, General; Monument to the Memory of, 883
Criminals; Return of the Number of, 240

Debtors in the Isle of Man, 102
Declaration of the Queen's Council respecting the King's Health, 49
Distilleries; Resolutions relating to the, 146
Distillery Bill, 286, 320
Droits of Admiralty, 241, 949

East India Company; Petition from Greenock respecting the, 670
East India Company's Affairs; Select Committee appointed on, 672
Ecclesiastical Courts, 99, 295
Elizabeth; Bill to Repeal Act 39th of, against Lewd and Wandering Persons; pretending to be Soldiers or Mariners, 701
Exchequer Bills, 804

Flogging of Soldiers, 1263
Foreign Troops in British Pay, 907, 1240, 1258

Digitized by Google

Frame Work Bill, 807, 826, 847, 859, 1215

Insolvent Debtors, 379, 1169
Ireland; Select Committee appointed on the Public Income and Expenditure of, 103
Ireland; Repeal of the Legislative Union with, 124, 1074
Ireland; State of, 151, 235, 494, 605
Ireland; Population of, 399
Irish Miscellaneous Services, 1217

King's Household Bill, 151, 187, 222, 331, 382, 405, 478

Leeward Island Duties, 742
Legacies; Duties on, for Charitable Purposes, 319
Licence Trade, 842, 979, 1092
Local Militia, 375, 866, 1313
London Victuallers' Petition, respecting Pewter Pots, 328
Lord Steward of the Household, 1174
Lords Commissioners' Speech at the Opening of the Session, 18, 52

Marriage Act Amendment Bill, 1252
Maynooth College, 1226
Members of Parliament becoming Bankrupts, 478, 1315
M'Mahon, Colonel; his Sinecure, 112, 900, 911
Mutiny Bill, 1201, 1262

Navy Estimates, 885

Nightly Watch and Police of the Metropolis, 196
Nottingham Riots, 671
Nottingham Peace Bill, 807, 853, 962

Offices in Reversion Bill, 382, 691, 1240
Orders in Council, 1092
Ordnance Estimates, 1234

Parish Registers Bill, 947
Paymaster of Widows' Pensions, 112, 900, 911
Penitentiary Houses, 603, 703, 1292
Pewter Pots; London Victuallers' Petition respecting, 328
Plymouth Breakwater, 1310
Police of the Metropolis, 196
Police Magistrates, 239, 401, 482
Population of the several Counties of Great Britain, 177
Portuguese Subsidy, 1262, 1298
Prince Regent's Answer to the Address at the Opening of the Session, 99
Prince Regent; Expences of the Assumption of Royal Authority by the, 227
Prince Regent's Message respecting Lord Wellington, 842, 869
Prince Regent's Message respecting Portuguese Troops, 1262
Public Expenditure; Committee appointed on, 331

Reform of Parliament; Petition from Caithness respecting, 376
Report of the Committee appointed to examine the King's Physicians, 83
Right of Petitioning, 1165, 1201
Roman Catholics of Ireland, 1086, 1239
Royal Marine Corps, 753

Sinecure Offices; Committee appointed on, 331
State of the Nation, 988
Stroud Poor Bill, 1260

Tobago Planters; Petition of, 1213
Tomlinson; Case of Captain, 962
Trade Licences, 842, 979, 1092
Transportation to New South Wales, 761

Vauxhall Bridge Company; Petition from, 326
Vote of Thanks to Lord Minto, &c. for the Conquest of the Islands of Bourbon and Mauritius, and for the Operations in the Island of Java, 131
Vote of Thanks to Lord Wellington, &c. for the Capture of Ciudad Rodrigo, 707

Walsh, Mr. Benjamin; Proceedings relating to the Expulsion of, 933, 982, 1088, 1092, 1174
Wellington, Lord; his Answer to the Vote of Thanks for the Battle of Albuera, 16
Wellington, Lord; Prince Regent's Message respecting, 842, 869

INDEX OF NAMES.—HOUSE OF LORDS.

Aberdeen, Earl of, 418

Bathurst, Earl, 491, 492, 685, 1049, 1209
Bedford, Duke of, 416
Boringdon, Lord, 1250, 1251
Brownlow, Lord, 6
Buckinghamshire, Earl of, 130, 466
Byron, Lord, 966

Carlisle, Earl of, 1079, 1166
Carysfort, Earl of, 454

Darnley, Earl of, 13, 465, 1298
Devonshire, Duke of, 412
Douglas, Marquis of, 1077
Downshire, Marquis of, 421

Eldon, Lord, *see* Lord Chancellor
Erskine, Lord, 462, 1076

Fitzwilliam, Earl, 408, 1073

Grenville, Lord, 7, 14, 72, 73, 130, 222, 475, 491, 685, 686, 690, 975, 979, 1073, 1076, 1080, 1252
Grey, Earl, 11, 467, 978, 1252
Grosvenor, Earl, 825, 857, 975, 1077, 1084, 1168, 1294, 1297

Hardwicke, Earl of, 422
Harrowby, Earl of, 687, 975, 1078
Holland, Lord, 15, 602, 603, 825, 826, 972, 1057, 1067, 1075

Lansdowne, Marquis of, 449, 685, 1041, 1072
Lauderdale, Earl of, 490, 492, 603, 688, 974, 978, 1067, 1210, 1212, 1213
Liverpool, Earl of, 10, 14, 73, 126, 131, 474, 602, 603, 686, 689, 704, 855, 965, 978, 1082, 1083, 1167, 1294
Lord Chancellor, (Eldon) 974, 1084, 1211

Moira, Earl, 129, 458, 685, 1167
Mulgrave, Lord, 461, 1076

Norfolk, Duke of, 13, 1075, 1076, 1210, 1211, 1212, 1252

Redesdale, Lord, 684, 1212
Rosse, Earl of, 412, 1069
Rosslyn, Earl of, 1083, 1211
Shaftesbury, Earl of, 5

Digitized by Google

INDEX.

Sidmouth, Viscount, 498, 1071
Somers, Lord, 488
Wellesley, Marquis, 15, 16, 451, 826
Westmoreland, Earl of, 455, 1066, 1080

INDEX OF NAMES.—HOUSE OF COMMONS.

Abbot, Right Hon. Charles, *see* SPEAKER
Abercromby, J. 111, 208, 211, 239, 269, 827, 906, 963, 982, 1253, 1277, 1279, 1292, 1293
Adair, R. 733
Adam, W. 230, 367, 370, 371
Adams, C. 177, 609, 711, 915, 1194
Addington, Hiley, 375
Arbuthnot, C. 364, 408, 711, 718, 734, 741
Attorney General (Sir Vicary Gibbs) 43, 44, 263, 317, 489, 654, 851, 852, 960, 1197

Babington, T. 819, 853
Bagwell, Colonel, 734,
Bankes, H. 331, 381, 404, 692, 695, 737, 740, 899, 912, 933, 983, 1089, 1175, 1200, 1240
Baring, A. 480, 782, 803, 806, 842, 845, 946, 1126, 1315
Bastard, J. P. 698, 741, 751, 782, 837, 948, 984
Bathurst, E. 738, 833, 841, 917, 1184
Bennet, H. G. 388, 478, 902, 1249, 1280
Biddulph, R. M. 711
Bourne, Sturges, 1257
Brand, T. 188, 190, 260, 371, 374, 481
Brougham, H. 117, 120, 179, 241, 268, 277, 375, 381, 679, 741, 846, 949, 959, 961, 1092, 1139, 1162, 1204, 1206
Browne, Hawkins, 1199
Buller, Sir Edward, 760
Burdett, Sir F. 17, 18, 44, 212, 239, 273, 480, 482, 873, 881, 1091, 1187, 1245, 1263, 1291, 1313
Burrell, Sir C. 398, 883
Burton, F. 125

Calcraft, J. 886
Calvert, N. 868
Canning, G. 514, 547, 654, 876, 882, 1035, 1139
Castlereagh, Viscount, 635, 884, 923, 1022, 1029, 1298
Chancellor of the Exchequer (Rt. Hon. Spencer Perceval) 47, 56, 63, 68, 72, 105, 107, 108, 109, 110, 111, 112, 114, 125, 131, 146, 147, 151, 152, 165, 167, 174, 188, 190, 204, 213, 226, 227, 229, 233, 270, 277, 288, 290, 319, 320, 323, 353, 369, 370, 403, 404, 407, 478, 479, 487, 661, 662, 678, 693, 695, 699, 707, 735, 739, 742, 748, 776, 803, 804, 806, 819, 846, 851, 854, 869, 883, 902, 903, 905, 924, 945, 956, 987, 1031, 1039, 1091, 1151, 1165, 1166, 1174, 1199, 1228, 1234, 1239, 1247
Clerke, Sir George, 290
Cochrane, Lord, 31, 210, 294, 888, 893, 930, 1290, 1309
Cole, Major General, 493
Combe, H. C. 238
Courtenay, T. P. 261, 740, 850
Creevey, T. 66, 112, 120, 187, 190, 672, 684, 742, 748
Cripps, Joseph, 862
Croker, J. W. 120, 667, 960, 961, 962, 963
Curtis, Sir W. 238
Curwen, J. C. 775, 850, 910

Desart, Lord, 1041
Dillon, H. A. 49, 1203, 1206, 1228, 1307
Drummond, H. 943, 1215
Duckett, Colonel, 1206
Dundas, W. 691

Eden, G. 713, 739, 742, 749
Elliot, W. 145, 669, 698, 700, 906, 1198
Ellison, R. 849
Eyre, A. H. 812, 819, 824

Ferguson, General, 906, 1257
Fitzgerald, W. 194, 322, 609, 930, 932, 1221
Folkestone, Visc. 99, 112, 295, 318, 319, 323, 379, 580, 404, 682, 746, 908, 909, 948, 1169, 1240, 1240
Frankland, W. 702, 815, 839, 841, 1203, 1289
Fremantle, W. 109, 110, 143, 191, 369, 873, 911, 1237, 1302

Gascoyne, Isaac, 676
Gibbs, Sir Vicary, *see* Attorney General
Giddy, Davies, 264, 325, 697, 1201, 1314
Giles, Daniel, 375, 741
Goulbourne, Henry, 1314
Gower, Lord Granville Leveson, 734, 1162
Grant, C. 141, 676
Grattan, Henry, 664, 1223, 1229
Grenfell, Pascoe, 305, 760, 886
Grenville, Lord George, 551
Hamilton, Lord A. 695, 867, 1246
Harvey, Admiral, 887, 1315
Herbert, H. A. (of Kerry) 182, 558, 782, 830, 917, 960, 1014, 1191, 1228, 1289
Herbert, William, 303, 380, 823, 828, 1162
Holford, G. P. 235, 1293
Horner, F. 102, 110, 403, 742, 750, 854, 946
Hume, W. H. 1185, 1222
Hurst, R. 231
Hutchinson, C. H. 70, 124, 125, 195, 291, 320, 405, 547, 683, 753, 760, 792, 859, 863, 891, 1074, 1218

Jocelyn, Lord, 17, 33, 56
Johnstone, G. 344, 347, 858, 905, 1150

Keck, Leigh, 816, 833
Keene, Whitshed, 871
Kenrick, W. 399, 403
Knatchbull, Sir E. 1261

Lamb, William, 672, 848, 909, 983, 1012, 1194
Leycester, Hugh, 793
Lockhart, J. 108, 478, 482, 702, 801, 830, 917, 986, 1092
Loft, General, 712
Loftus, General, 1279
Long, C. 737, 746, 1293
Lushington, S. R. 680

Macdonald, J. 918, 922
Manning, W. 946
Markham, Admiral, 887
Martin, Henry, 818
Marryatt, J. 748, 845, 1149
Milton, Viscount, 1162
M'Mahon, John, 900
Montague, Matthew, 124, 221, 346, 347, 911, 916, 1014, 1086
Montgomery, Sir H. 141, 717
Moore, P. 142, 182, 746, 1221
Morpeth, Viscount, 494, 669
Morris, E. 919, 944, 1214, 1215
Moseley, Sir Oswald, 853

Newport, Sir J. 103, 106, 107, 108, 112, 287, 292, 318, 319, 320, 399, 402, 481, 489, 605, 751, 1208, 1216, 1218, 1219, 1220, 1221, 1222, 1224, 1225, 1226, 1233, 1244

Digitized by Google

Nicholl, Sir J. 275, 913, 988, 547

Ord, William, 828
Ossulston, Lord, 397

Palmer, C. 1243, 1249, 1258
Palmerston, Lord, 295, 893, 908, 911, 1202, 1208, 1246, 1281
Parnell, Henry, 622
Perceval, Spencer, *see* Chancellor of the Exchequer
Peel, Robert, 549
Phipps, General, 1287
Piggott, Sir Arthur, 558, 835, 866, 1179, 1185
Pole, William Wellesley, 566, 752, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224
Ponsonby, G. 44, 49, 112, 150, 151, 160, 167, 168, 235, 277, 364, 369, 656, 698
Porter, General, 1287
Price, Sir Charles, 1150

Robinson, F. J. 760, 1007
Romilly, Sir S. 198, 211, 236, 240, 309, 603, 679, 695, 701, 703, 761, 831, 840, 841, 851, 963, 1039, 1257, 1260, 1265
Rose, G. 142, 177, 182, 268, 388, 401, 747, 844, 947, 949, 1116
Ryder, Richard, 83, 122, 144, 196, 210, 229, 240, 401, 402, 404, 485, 603, 654, 671, 703, 807, 824, 826, 858, 854, 860, 865, 946, 1901, 1216, 1227, 1254, 1293

Scott, Sir W. 305, 318, 319
Sebright, Sir John, 612, 698, 1243
Sheridan, R. B. 136, 172, 176, 191, 214, 221, 394, 398, 600, 817, 929
Sinclair, G. 288, 376, 864
Smith, H. 806
Smith, J. 672, 813, 829, 943
Smith, W. 292, 299, 316, 318, 325, 339, 741, 946, 1226, 1265, 1314
Somerset, Lord C. 1287
Speaker (Right Honourable Charles Abbot) 20, 114, 124, 125, 191, 194, 290, 369, 371, 402, 684, 963, 985, 988, 1088, 1089, 1175, 1179
Stephen, J. 191, 265, 772, 788, 1131, 1139
Sumner, Holme, 990, 1293
Sutton, Manners, 619, 1203, 1205, 1207, 1275

Tarleton, General, 64, 141, 677, 711, 924, 1237, 1248, 1258, 1284
Tavistock, Marquis of, 500
Taylor, M. A. 963
Temple, Earl, 882, 1030
Thompson, Thomas, 1316
Thornton, H. 791
Tierney, G. 110, 168, 193, 194, 222, 227, 226, 232, 275, 332, 368, 369, 370, 374, 402, 485, 668, 736, 738, 904, 1026
Tighe, W. 1000
Turton, Sir T. 347, 402, 805, 848, 988, 1308

Vyse, W. H. 40, 69

Wallace, Thomas, 672, 683
Ward, John, 1305
Ward, Robert, 1234, 1238
Warrender, Sir George, 1288, 1278
Wellesley, Richard, 754
Whitbread, S. 43, 52, 63, 64, 69, 111, 122, 124, 143, 194, 195, 229, 231, 348, 369, 402, 488, 641, 671, 680, 696, 748, 762, 794, 822, 838, 867, 903, 926, 930, 1016, 1159, 1165, 1195, 1201, 1231, 1238, 1239, 1288, 1293, 1315, 1316
Wilberforce, W. 788, 922, 1150, 1258, 1287
Wilson, G. 1252
Wood, Colonel, 1314
Wrottesley, H. 830
Wynn, C. W. 615, 739, 815, 824, 834, 851, 853, 854, 984, 988, 1091, 1174, 1193, 1216, 1234, 1256, 1315

Yorke, C. 138, 191, 195, 196, 750, 757, 885, 886, 887, 988, 1291, 1310

END OF VOL. XXI.

Printed by T. C. Hansard, Peterborough-Court, Fleet-Street, London.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Government Documents
044 106 509 771

Digitized by Google